



# ENCROACHMENT AGREEMENTS

## for North Carolina Road Rights-of-Way

If you are considering installing an electric vehicle charging station in a road Right-of-Way (ROW), this *Encroachment Agreements* guide provides information to help with this process through asking key questions and connecting with the correct decision making authorities. Charging stations for plug-in electric vehicles (PEVs) are being placed in a variety of locations to serve electric vehicle drivers. These locations include not only off-street parking lots, but on-street parking as well. For charging stations installed to serve on-street parking facilities, the installer generally must obtain a ROW encroachment agreement from the proper entity.

### Who Maintains the Road?

In many municipalities, there is a mixture of locally-maintained and state-maintained roads. The first step will include determining who maintains the road so the installer will know who to approach to obtain an encroachment agreement.

#### Municipalities

Municipalities are granted the authority to control public streets, and other ways of public passage within its corporate limits (NCGS 160A-296) and within this power is the right to grant easements, as long as the easement doesn't hinder the use of the public passage way (NCGS 160A-273).

#### State

The North Carolina Department of Transportation issues encroachment agreements for state maintained roadways.

#### Private

For privately-maintained roads, the charging station installer will need to contact the appropriate entity who is responsible for the road maintenance.

#### RECOMMENDATION:

Determine which entity maintains the road. If the road is state-maintained, then speak with the local DOT District Office.



### Considerations for Installation of a Charging Station in the Road ROW

#### Processing Time

Encroachment agreements, in some cases, can take four-to-six weeks or even more, depending on the agency who issues the easement and the situation.

#### RECOMMENDATION:

First contact the entity that owns and maintains the ROW to go over any site specific considerations and to understand the time needed to process the permit. By understanding the process up front, time can be built into the installation process.

#### Ownership and Maintenance

When installing a charging station within a ROW, the entity who is responsible for the ownership and maintenance of the charging station may have additional responsibilities when compared to a charging station on a private lot. Additionally, there may be restrictions on the type of entity that may be able to install a station within the ROW.

#### EXAMPLE:

Some entities may restrict the installation of charging stations to only public sector owners.



**Underground Utilities in the Right-of-Way**

Many times underground utilities including water, sewer, electric, cable and other lines may run directly adjacent to the road. This may impede the installation of a charging station. Also, it may be the responsibility of the person obtaining the encroachment agreement to locate underground facilities and to bear the burden of repair if any of these lines are damaged during the charging station installation.

**Signage**

When charging stations are located in the ROW, there may be additional regulations on the types of signage that is permitted or restricted.

**EXAMPLE:**

Signage may be restricted to posting information only, with no station branding or other types of logos.

**Performance Bond**

**RECOMMENDATION:**

In some cases a performance bond for the installation of the charging station may be required. A performance bond would be held by the entity who issues the encroachment agreement to ensure the installation is in compliance with the applicable codes. The performance bond may be required to be held for a period of time after the installation.



Example of an Encroachment Agreement Case Study  
Photo Source: Google Maps



**Additional Resources**

- *Charging Station Installation Handbook by Advanced Energy: Recommendations for siting and installing charging stations*  
<http://www.advancedenergy.org/portal/ncpev/resources.php>
- Southeast Regional EV Readiness Workbook, Sections 3.1.1, 3.2.3, 3.4.5



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