

# Private Road Maintenance Agreement Law and Legal Definition

A private road maintenance agreement is often entered into for roads that are privately maintained, rather than maintained by a public body. For example, the California Civil Code requires the cost of maintenance for privately maintained roads to be shared equitably by the landowners benefiting from those roads. In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner. This is enforced through civil action, in other words, by neighbor suing neighbor. Private road maintenance agreements vary by jurisdiction, so local law should be consulted for specific requirements.

Neighbors in a private road maintenance agreement are responsible for paying the freight and organizing the work. Typical agreements require monthly, quarterly, or annual payments to the treasurer of the private road maintenance or homeowners' association. Maintenance occurs when a majority of participating owners decide it's necessary or according to a pre-approved schedule.

<https://definitions.uslegal.com/p/private-road-maintenance-agreement/>

## Road Maintenance: Who is Responsible?

The general rule is if there is not an agreement in place then the adjacent property owners are responsible for the costs of repair. In counties across North Carolina, the absence of private road maintenance agreements have cost individual property owners thousands of dollars to make their roads passable not only for private vehicles but also for school buses and emergency vehicles. Imagine having a life threatening event and the ambulance cannot drive down the road to transport you or a loved one. This is a real problem throughout the state that many property owners must address.

<https://hutchenslawfirm.com/blog/real-estate/road-maintenance-who-responsible>