

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 881\*  
PROPOSED COMMITTEE SUBSTITUTE H881-PCS80439-SU-34

Short Title: Transportation Corridor Mapping Changes.

(Public)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCLUDE CITIES AND COUNTIES IN TRANSPORTATION CORRIDOR  
3 MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED  
4 BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF  
5 TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO  
6 MUNICIPALITIES ON A COST REIMBURSEMENT BASIS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-44.50(a) reads as rewritten:

9 "(a) A transportation corridor official map may be adopted or amended by any of the  
10 following:

- 11 (1) The governing board of any local government for any thoroughfare included  
12 as part of a comprehensive plan for streets and highways adopted pursuant to  
13 G.S. 136-66.2 or for any proposed public transportation corridor included in  
14 the adopted long-range transportation plan.
- 15 (2) The Board of ~~Transportation~~ Transportation, or the governing board of any  
16 county, for any portion of the existing or proposed State highway system or  
17 for any public transportation corridor, to include rail, that is in the  
18 Transportation Improvement Program.
- 19 (3) Regional public transportation authorities created pursuant to Article 26 of  
20 Chapter 160A of the General Statutes or regional transportation authorities  
21 created pursuant to Article 27 of Chapter 160A of the General Statutes for  
22 any portion of the existing or proposed State highway system, or for any  
23 proposed public transportation corridor, or adjacent station or parking lot,  
24 included in the adopted long-range transportation plan.
- 25 (4) The North Carolina Turnpike Authority for any project being studied  
26 pursuant to G.S. 136-89.183.
- 27 (5) The Wilmington Urban Area Metropolitan Planning Organization for any  
28 project that is within its urbanized boundary and identified in G.S. 136-179.

29 Before a city adopts a transportation corridor official map that extends beyond the  
30 extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances,  
31 or adopts an amendment to a transportation corridor official map outside the extraterritorial  
32 jurisdiction of its building permit issuance and subdivision control ordinances, the city shall  
33 obtain approval from the Board of County Commissioners."

34 **SECTION 2.** G.S. 136-44.50(a1) reads as rewritten:



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1 "(a1) No ~~transportation corridor official map~~ shall be adopted or amended, nor may any  
2 property may be regulated under this Article until:

- 3 (1) The governing board of the city, the county, the regional transportation  
4 authority, the North Carolina Turnpike Authority, or the Department of  
5 Transportation has held a public hearing in each county affected by the map  
6 on the proposed map or amendment. Notice of the hearing shall be provided:  
7 a. By publication at least once a week for four successive weeks prior  
8 to the hearing in a newspaper having general circulation in the  
9 county in which the transportation corridor to be designated is  
10 located.  
11 b. By two week written notice to the Secretary of Transportation, the  
12 Chairman of the Board of County Commissioners, and the Mayor of  
13 any city or town through whose corporate or extraterritorial  
14 jurisdiction the transportation corridor passes.  
15 c. By posting copies of the proposed transportation corridor map or  
16 amendment at the courthouse door for at least 21 days prior to the  
17 hearing date. The notice required in sub-subdivision a. above shall  
18 make reference to this posting.  
19 d. By first-class mail sent to each property owner affected by the  
20 corridor. The notice shall be sent to the address listed for the owner  
21 in the county tax records.

22 (1a) The transportation corridor official map has been adopted or amended by the  
23 governing board of the city, the county, the regional transportation authority,  
24 the North Carolina Turnpike Authority, or the Department.

25 (2) A permanent certified copy of the transportation corridor official map or  
26 amendment has been filed with the register of deeds. The boundaries may be  
27 defined by map or by written description, or a combination thereof. The  
28 copy shall measure approximately 20 inches by 12 inches, including no less  
29 than one and one-half inches binding space on the left-hand side.

30 (3) The names of all property owners affected by the corridor have been  
31 submitted to the Register of Deeds."

32 **SECTION 3.** Chapter 136 of the General Statutes is amended by adding a new  
33 section to read:

34 **"§ 136-34.1. Department of Transportation authorized to furnish road maintenance**  
35 **materials to municipalities.**

36 The Department of Transportation is authorized, in its discretion and in emergent  
37 circumstances or for other good cause, to furnish municipalities road maintenance materials to  
38 aid municipalities in the maintenance of streets upon agreement for reimbursement, as may be  
39 required by the Department and agreed to by the municipality. The agreement shall provide for  
40 reimbursement in an amount at least equal to the cost of the materials, together with the actual  
41 reasonable cost of any handling and storage of the materials and of administering the  
42 reimbursement agreement, all as solely determined by the Department. In no event shall the  
43 Department of Transportation be required to furnish road maintenance materials when, in the  
44 sole determination of the Department of Transportation, to do so would interfere with the  
45 maintenance of the streets and highways under its control. Notwithstanding any other provision  
46 of law, the provision of and reimbursement for materials under this section shall not be deemed  
47 a sale for any purpose."

48 **SECTION 4.** This act becomes effective July 1, 2009.