

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35241-ML-139 (03/10)

Short Title: Map Act/Clarifications.

(Public)

Sponsors: Senator Lee (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE TRANSPORTATION
3 CORRIDOR OFFICIAL MAP ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-44.50 reads as rewritten:

6 "§ 136-44.50. Transportation corridor official map act.

7 (a) A transportation corridor official map may be adopted or amended by any of the
8 following:

- 9 (1) The governing board of any local government for any thoroughfare included
10 as part of a comprehensive plan for streets and highways adopted pursuant to
11 G.S. 136-66.2 or for any proposed public transportation corridor included in
12 the adopted long-range transportation plan.
- 13 (2) The Board of Transportation, or the governing board of any county, for any
14 portion of the existing or proposed State highway system or for any public
15 transportation corridor, to include rail, that is in the Transportation
16 Improvement Program.
- 17 (3) Regional public transportation authorities created pursuant to Article 26 of
18 Chapter 160A of the General Statutes or regional transportation authorities
19 created pursuant to Article 27 of Chapter 160A of the General Statutes for
20 any portion of the existing or proposed State highway system, or for any
21 proposed public transportation corridor, or adjacent station or parking lot,
22 included in the adopted long-range transportation plan.
- 23 (4) The North Carolina Turnpike Authority for any project being studied
24 pursuant to G.S. 136-89.183.
- 25 (5) The Wilmington Urban Area Metropolitan Planning Organization for
26 Department projects R-3300 and U-4751.

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

32 (a1) No property may be regulated under this Article until:

- 33 (1) The governing board of the city, the county, the regional transportation
34 authority, the North Carolina Turnpike Authority, ~~or~~ the Department of
35 ~~Transportation~~Transportation, or any other entity listed in subsection (a) of



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this section has held a public hearing in each county affected by the map on the proposed map or amendment. Notice of the hearing shall be provided:

- (1a) The transportation corridor official map has been adopted or amended by the governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, ~~or the Department~~Department, or any other entity listed in subsection (a) of this section.

(e) The term "amendment" for purposes of this section includes any change to a transportation corridor official map, including:

- (1) Failure of the Department of Transportation, the North Carolina Turnpike Authority, a city, a county, ~~or a regional transportation authority~~authority, or any other entity listed in subsection (a) of this section to begin work on an environmental impact statement or preliminary engineering as required by this section; or
- (2) Deletion of the corridor from (i) the transportation corridor official map by action of the Board of Transportation, the North Carolina Turnpike Authority, or deletion of the corridor from the Wilmington Urban Area Metropolitan Planning Organization, or (ii) the long-range transportation plan of a city, county, or regional transportation authority by action of the city, county, or regional transportation authority governing Board.

SECTION 2. G.S. 136-44.51(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor. The Secretary of Transportation or his designee, the director of the Wilmington Urban Area Metropolitan Planning Organization, the director of a regional public transportation authority, or the director of a regional transportation authority, as appropriate, shall be notified within 10 days of all submittals for corridor map determination, as provided in subsections (b) and (c) of this section."

SECTION 3. G.S. 136-44.52(a) reads as rewritten:

"(a) The Department of Transportation, the regional public transportation authority, the regional transportation authority, ~~or the local government which~~government, or other entity listed in subsection (a) of G.S. 136-44.50 that initiated the transportation corridor official map shall establish procedures for considering petitions for variance from the requirements of G.S. 136-44.51."

SECTION 4. G.S. 136-44.53(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, a property owner has the right of petition to the filer of the map for acquisition of the property due to an imposed hardship. The Department of Transportation, the regional public transportation authority, the regional transportation authority, the Wilmington Urban Area Metropolitan Planning Organization, or the local government that initiated the transportation corridor official map may make advanced acquisition of specific parcels of property when that acquisition is determined by the respective governing board to be in the best public interest to protect the transportation corridor from development or when the transportation corridor official map creates an undue hardship on the affected property owner. The procedure established by a regional public transportation ~~authority~~authority, a regional transportation ~~authority~~authority, or the Wilmington Urban Area Metropolitan Planning Organization

1 pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department
2 of Transportation for any request for advance acquisition due to hardship that is denied by an
3 authority. All hearings held by the Department under this subsection shall be conducted in
4 accordance with procedures established by the Department pursuant to subsection (b) of this
5 section. Any decision of the Department pursuant to this subsection shall be final and binding.
6 Any property determined eligible for hardship acquisition shall be acquired within three years
7 of the finding or the restrictions of the map shall be removed from the property."

8 **SECTION 5.** This act is effective when it becomes law and applies to filings,
9 adoptions, or amendments before, on, or after that date.