

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 654
PROPOSED COMMITTEE SUBSTITUTE S654-PCS25261-ML-4

Short Title: Map Act/Clarifications.

(Public)

Sponsors:

Referred to:

March 30, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL
3 DEFEND, INDEMNIFY, AND HOLD HARMLESS THE WILMINGTON URBAN
4 AREA METROPOLITAN PLANNING ORGANIZATION FOR CLAIMS ARISING OUT
5 OF ACTIONS TAKEN BY THE ORGANIZATION PURSUANT TO THE
6 TRANSPORTATION CORRIDOR OFFICIAL MAP ACT AND TO CLARIFY CERTAIN
7 PROVISIONS OF THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.

8 The General Assembly of North Carolina enacts:

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

10 **"§ 136-44.50. Transportation corridor official map act.**

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

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

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

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



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1 (1) The governing board of the city, the county, the regional transportation
2 authority, the North Carolina Turnpike Authority, ~~or the Department of~~
3 ~~Transportation~~ Transportation, or any other entity listed in subsection (a) of
4 this section has held a public hearing in each county affected by the map on
5 the proposed map or amendment. Notice of the hearing shall be provided:

6 ...
7 (1a) The transportation corridor official map has been adopted or amended by the
8 governing board of the city, the county, the regional transportation authority,
9 the North Carolina Turnpike Authority, ~~or the Department~~ Department, or
10 any other entity listed in subsection (a) of this section.

11 ...
12 (e) The term "amendment" for purposes of this section includes any change to a
13 transportation corridor official map, including:

14 (1) Failure of the Department of Transportation, the North Carolina Turnpike
15 Authority, a city, a county, ~~or a regional transportation authority~~ authority, or
16 any other entity listed in subsection (a) of this section to begin work on an
17 environmental impact statement or preliminary engineering as required by
18 this section; or

19 (2) Deletion of the corridor from (i) the transportation corridor official map by
20 action of the Board of Transportation, the North Carolina Turnpike
21 Authority, ~~or deletion of the corridor from~~ the Wilmington Urban Area
22 Metropolitan Planning Organization or (ii) the long-range transportation plan
23 of a city, county, or regional transportation authority by action of the city,
24 county, or regional transportation authority governing Board.

25 ...
26 (g) The Department of Transportation shall defend, indemnify, and hold harmless the
27 Wilmington Urban Area Metropolitan Planning Organization and its members against any
28 claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area
29 Metropolitan Planning Organization's adoption, filing, or amendment of a transportation
30 corridor official map pursuant to this Article."

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

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

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

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

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

48 "(a) After a transportation corridor official map is filed with the register of deeds, a
49 property owner has the right of petition to the filer of the map for acquisition of the property
50 due to an imposed hardship. The Department of Transportation, the regional public
51 transportation authority, the regional transportation authority, the Wilmington Urban Area

1 Metropolitan Planning Organization, or the local government that initiated the transportation
2 corridor official map may make advanced acquisition of specific parcels of property when that
3 acquisition is determined by the respective governing board to be in the best public interest to
4 protect the transportation corridor from development or when the transportation corridor
5 official map creates an undue hardship on the affected property owner. The procedure
6 established by a regional public transportation ~~authority~~~~authority~~, a regional transportation
7 ~~authority~~~~authority~~, or the Wilmington Urban Area Metropolitan Planning Organization
8 pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department
9 of Transportation for any request for advance acquisition due to hardship that is denied by an
10 authority. All hearings held by the Department under this subsection shall be conducted in
11 accordance with procedures established by the Department pursuant to subsection (b) of this
12 section. Any decision of the Department pursuant to this subsection shall be final and binding.
13 Any property determined eligible for hardship acquisition shall be acquired within three years
14 of the finding or the restrictions of the map shall be removed from the property."

15 **SECTION 5.** Subsection (g) of G.S. 136-44.50, as enacted by Section 1 of this act,
16 is effective when this act becomes law and applies to maps filed, adopted, or amended before
17 that date. The remainder of this act is effective when it becomes law and applies to maps filed,
18 adopted, or amended before, on, or after that date.