GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017

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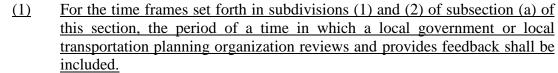
HOUSE BILL DRH40307-ML-100 (02/20)

Traffic Impact Analysis Time Frame.

driveway permit.

in subsection (a) of this section:

Representatives Millis and Torbett (Primary Sponsors). Sponsors: Referred to: A BILL TO BE ENTITLED AN ACT TO PROVIDE A TIME FRAME IN WHICH THE DEPARTMENT OF TRANSPORTATION MUST MAKE A DECISION ON A DRIVEWAY PERMIT APPLICATION REQUIRING A TRAFFIC IMPACT ANALYSIS. The General Assembly of North Carolina enacts: **SECTION 1.** Article 7 of Chapter 136 of the General Statutes is amended by adding a new section to read: "§ 136-93.1A. Time frame for reviewing and making a decision on certain driveway permit applications. Required Time Frames. – The following time frames apply to the Department's (a) process for reviewing and making a decision on a driveway permit application that requires a traffic impact analysis: (1) The Department shall communicate the scope of the traffic impact analysis to the applicant no later than 10 business days from the day the Department receives the scope proposed by the applicant. The Department shall review and make a decision as to the completeness of **(2)** the traffic impact analysis no later than 20 business days from the day the Department receives the traffic impact analysis. Failure of the Department to meet the time frame set forth in this subdivision shall result in the traffic impact analysis being deemed complete. The Department shall review and make a decision as to the issuance of a (3) driveway permit no later than 20 business days from the day the traffic impact analysis is determined or deemed to be complete in accordance with subdivision (2) of this subsection. Failure of the Department to meet the time frame set forth in this subdivision shall result in the driveway permit application being deemed approved and the Department shall issue the



Calculation. – The following rules apply when calculating the time frames set forth

(2) The period of time in which the Department awaits a response from an applicant shall not be included.



- (c) Basis for Rejection. The Department shall not reject a traffic impact analysis or deny issuance of a driveway permit on the basis that the applicant has failed to include information in a traffic impact analysis that is outside the scope established under subdivision (1) of subsection (a) of this section for that traffic impact analysis.
- (d) Criteria. The Department shall develop and use criteria for determining the scope of a traffic impact analysis and the completeness of a traffic impact analysis. The Department shall post the criteria on its Web site. Prior to amending the criteria, the Department shall consult with a working group that consists of engineers, local government representatives, local transportation planning organization representatives, and other interested stakeholders identified by the Department. The Department shall provide at least 90 days' notice prior to the effective date of any amendments to the criteria. The notice required under this subsection may be satisfied by publishing the proposed amendments on the Department's Web site.
- (e) Report. Beginning October 1, and annually thereafter, the Department shall provide to the chairs of the Joint Legislative Transportation Oversight Committee a report on the number of times the Department failed during the year preceding the report to meet the time frame set in subdivision (1) of subsection (a) of this section, including reasoning for each failure."
- **SECTION 2.** This act becomes effective July 1, 2017, and applies to driveway permit applications received on or after that date.