

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 257

AMENDMENT NO. A24  
(to be filled in by  
Principal Clerk)

S257-AML-10 [v.6]

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Amends Title [NO]  
Sixth Edition

Date \_\_\_\_\_, 2017

Representative Millis

1 moves to amend the bill on page 319, lines 35-36, by inserting the following between the lines:

2 **"DOT/TRAFFIC IMPACT ANALYSIS TIME FRAME**

3 **SECTION 34.39.(a)** Article 7 of Chapter 136 of the General Statutes is amended  
4 by adding a new section to read:

5 **"§ 136-93.1A. Time frame for reviewing and making a decision on traffic impact**  
6 **analyses.**

7 (a) Required Time Frames. – The following time frames apply to the Department's  
8 process for reviewing and making a decision on a traffic impact analysis:

9 (1) The Department shall communicate the scope of the traffic impact analysis  
10 to the applicant no later than 10 business days from the day the Department  
11 receives the scope proposed by the applicant.

12 (2) The Department shall review and make a decision as to the completeness of  
13 the traffic impact analysis no later than 20 business days from the day the  
14 Department receives the traffic impact analysis. Failure of the Department to  
15 meet the time frame set forth in this subdivision shall result in the traffic  
16 impact analysis being deemed complete.

17 (3) The Department shall review and make a decision as to the approval or  
18 rejection of a traffic impact analysis no later than 20 business days from the  
19 day the traffic impact analysis is determined or deemed to be complete in  
20 accordance with subdivision (2) of this subsection or subsection (e) of this  
21 section. Failure of the Department to meet the time frame set forth in this  
22 subdivision shall result in the traffic impact analysis being deemed  
23 approved.

24 (b) Calculation. – The following rules apply when calculating the time frames set forth  
25 in subsection (a) of this section:

26 (1) The period of time in which a local government or local transportation  
27 planning organization reviews and provides feedback shall be included.

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

30 (c) Basis for Rejection. – The Department shall not reject a traffic impact analysis on  
31 the basis that the applicant has failed to include information in a traffic impact analysis that is  
32 outside the scope established under subdivision (1) of subsection (a) of this section for that



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1 traffic impact analysis. When the Department rejects a traffic impact analysis, the Department  
2 shall provide the applicant written notice specifically setting forth the reason for rejection.

3 (d) Effect of Rejection. – The time frames set forth in subsection (a) of this section shall  
4 reset upon rejection of a traffic impact analysis. The Department may authorize an applicant to  
5 reuse the scope approved for a rejected traffic impact analysis if the applicant is submitting a  
6 revised traffic impact analysis. The Department shall notify the applicant as to whether the  
7 original scope may be used no later than five business days from the day the Department  
8 receives notice from the applicant that the applicant plans to submit a revised traffic impact  
9 analysis.

10 (e) Appeal. – An applicant may appeal a rejection of a traffic impact analysis by  
11 providing written notice of appeal to the Chief Engineer no later than five business days from  
12 the day the applicant receives the written notice required under subsection (c) of this section.  
13 No later than five business days from the day the Chief Engineer receives the written notice of  
14 appeal, the Chief Engineer shall either affirm or overturn the rejection being appealed. If the  
15 rejection being appealed is overturned, the traffic impact analysis that was the subject of the  
16 appeal shall be deemed (i) complete if the basis of the rejection being appealed was lack of  
17 completeness or (ii) approved if the basis of the rejection being appealed was for any reason  
18 other than lack of completeness. The Chief Engineer shall provide the appealing party with  
19 written notice of the Chief Engineer's decision, specifically setting forth the reason if the  
20 rejection being appealed is affirmed. A decision by the Chief Engineer shall be final and not  
21 subject to further appeal.

22 (f) Criteria. – The Department shall develop and use criteria for determining (i) the  
23 scope of a traffic impact analysis, (ii) the completeness of a traffic impact analysis, and (iii)  
24 whether to approve or reject a traffic impact analysis. The Department shall post the criteria on  
25 its Web site. Prior to amending the criteria, the Department shall consult with a working group  
26 that consists of engineers, local government representatives, local transportation planning  
27 organization representatives, and other interested stakeholders identified by the Department.  
28 The Department shall provide at least 90 days' notice prior to the effective date of any  
29 amendments to the criteria. The notice required under this subsection may be satisfied by  
30 publishing the proposed amendments on the Department's Web site.

31 (g) Report. – Beginning October 1, and annually thereafter, the Department shall  
32 provide to the chairs of the Joint Legislative Transportation Oversight Committee a report on  
33 the number of times the Department failed during the year preceding the report to meet the time  
34 frame set in subdivision (1) of subsection (a) of this section, including reasoning for each  
35 failure."

36 **SECTION 34.39.(b)** The Department of Transportation shall commence  
37 development of the appeals process required under G.S. 136-93.1A(e), as enacted by subsection  
38 (a) of this section.

39 **SECTION 34.39.(c)** From the funds appropriated in this act from the Highway  
40 Fund for general maintenance, the Department of Transportation may use up to the sum of one  
41 hundred thousand dollars (\$100,000) in nonrecurring funds for the 2017-2018 fiscal year to  
42 cover any costs incurred by the Department from implementing the provisions of this section.

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1           **SECTION 34.39.(d)** Subsection (a) of this section becomes effective October 1,  
2 2017, and applies to proposed scopes and traffic impact analyses submitted on or after that  
3 date. The remainder of this section is effective when it becomes law."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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