

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1698*
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
6/10/08

Short Title: Express Permitting Review Program.

(Public)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN EXPRESS PERMITTING REVIEW PROGRAM FOR
CONNECTIONS TO THE STATE HIGHWAY SYSTEM, AS RECOMMENDED
BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT
COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a
new section to read:

"§ 136-93.1. Express permit review program.

(a) Program Created. – The Department shall develop a fee-supported express
permit review program in each highway division. The program shall provide express
permit and certification reviews, in order for an applicant to make a connection to the
State highway system for a driveway, street, signal, drainage, or any other
encroachment. The express permit review program may be applied to any or all of the
permits, approvals, or certifications listed in this subsection.

(b) Highway Division Implementation. – Individual highway division
participation in the express review program is voluntary if all special commercial
permits are routinely reviewed and issued within 45 days in that division. Any highway
division that implements an express permit review program shall ensure it is supported
by the fees established pursuant to subsection (e) of this section.

(c) Time Limits for Review. – The Department shall review and determine
completeness of an express permit application within three business days of receipt of
an application. The Department shall review and process a complete express permit
application within 30 days of receipt. If an express permit is not issued or denied within
30 days of receipt of the complete permit application, the entire cost of the express
permit shall be returned to the applicant, and the permit application forwarded to the
respective division engineer, who shall issue or deny the permit within 15 days of
receipt.

1 (d) Staff for Program. – The Department of Transportation may use contracted
2 engineering firms supporting each highway division to provide express permit reviews,
3 comments, and recommendations for issuing express permits. Existing Department staff
4 and resources allocated to a division may be used for an express permit review program,
5 but no new staff shall be hired for the purposes of implementing an express permit
6 review program.

7 (e) Fees. – The Department may determine the fees for an express application
8 review under the express review program. The maximum permit application fee to be
9 charged under this section for an express review of a project application requiring all of
10 the permits listed under subsection (a) of this section shall not exceed four thousand
11 dollars (\$4,000). Notwithstanding Chapter 150B of the General Statutes, the
12 Department shall establish the procedure by which the amount of the fees under this
13 subsection are established and applied for an express review program permitted by this
14 section. The fee schedule established by the Department shall be applicable to all
15 divisions participating in an express permit review program.

16 (f) Use of Fees. – All fees collected under this section shall be used to fund the
17 cost of administering and implementing express permit review programs created under
18 this section. These costs include the salaries of the program's staff and costs of
19 contracted engineering firms.

20 (g) Reports. – No later than March 1 of each year, the Department shall report to
21 the Fiscal Research Division and the Joint Legislative Transportation Oversight
22 Committee on the express permitting review program. The report shall include the cost
23 of administering the program in each division, the number of express permits issued, the
24 turnaround time for permits, the amount of fees collected per division, and the method
25 that divisions use to implement the program."

26 **SECTION 2.** This act becomes effective July 1, 2008.