

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS25119-ML-88 (02/19)

Short Title: Map Act Revisions.

(Public)

Sponsors: Senators Rabon, Meredith, and Ford (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PROPERTY WITHIN A TRANSPORTATION CORRIDOR SHALL NOT BE REGULATED UNTIL A PREFERRED ALTERNATIVE IS SELECTED AND IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT STATEMENT, TO PROVIDE THAT FAILURE TO BEGIN CONSTRUCTION OF A CORRIDOR WITHIN TEN YEARS FOLLOWING THE ESTABLISHMENT OF A TRANSPORTATION CORRIDOR OFFICIAL MAP SHALL CONSTITUTE AN ABANDONMENT OF THE CORRIDOR, AND TO REDUCE TO TWO YEARS ANY DELAY IN THE ISSUANCE OF A BUILDING PERMIT OR SUBDIVISION PLAT APPROVAL DUE TO THE FILING OF A TRANSPORTATION CORRIDOR OFFICIAL MAP.

The General Assembly of North Carolina enacts:

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

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

...

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

- (1) The governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, or the Department of Transportation 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:
  - a. By publication at least once a week for four successive weeks prior to the hearing in a newspaper having general circulation in the county in which the transportation corridor to be designated is located.
  - b. By two week written notice to the Secretary of Transportation, the Chairman of the Board of County Commissioners, and the Mayor of any city or town through whose corporate or extraterritorial jurisdiction the transportation corridor passes.
  - c. By posting copies of the proposed transportation corridor map or amendment at the courthouse door for at least 21 days prior to the hearing date. The notice required in sub-subdivision a. above shall make reference to this posting.
  - d. By first-class mail sent to each property owner affected by the corridor. The notice shall be sent to the address listed for the owner in the county tax records.



- 1 (1a) The transportation corridor official map has been adopted or amended by the
- 2 governing board of the city, the county, the regional transportation authority,
- 3 the North Carolina Turnpike Authority, or the Department.
- 4 (2) A permanent certified copy of the transportation corridor official map or
- 5 amendment has been filed with the register of deeds. The boundaries may be
- 6 defined by map or by written description, or a combination thereof. The
- 7 copy shall measure approximately 20 inches by 12 inches, including no less
- 8 than one and one-half inches binding space on the left-hand side.
- 9 (3) The names of all property owners affected by the corridor have been
- 10 submitted to the Register of Deeds.
- 11 (4) A preferred alternative for the corridor location is selected and identified in
- 12 the final environmental impact statement filed in accordance with the
- 13 National Environmental Policy Act.

14 ...

15 ~~(d) Within one year following the establishment of a transportation corridor official~~

16 ~~map or amendment, work shall begin on an environmental impact statement or preliminary~~

17 ~~engineering. The failure to begin work on the environmental impact statement or preliminary~~

18 ~~engineering within the one-year period shall constitute an abandonment of the corridor, and the~~

19 ~~provisions of this Article shall no longer apply to properties or portions of properties embraced~~

20 ~~within the transportation corridor. A local government may prepare environmental impact~~

21 ~~studies and preliminary engineering work in connection with the establishment of a~~

22 ~~transportation corridor official map or amendments to a transportation corridor official map.~~

23 ~~When a city or county prepares a transportation corridor official map for a street or highway~~

24 ~~that has been designated a State responsibility pursuant to G.S. 136-66.2, the environmental~~

25 ~~impact study and preliminary engineering work shall be reviewed and approved by the~~

26 ~~Department of Transportation. An amendment to a corridor shall not extend the one-year period~~

27 ~~provided by this section unless it establishes a substantially different corridor in a primarily~~

28 ~~new location.~~

29 (d1) The failure to begin construction of the corridor within 10 years following the

30 establishment of a transportation corridor official map shall constitute an abandonment of the

31 corridor, and the provisions of this Article shall no longer apply to properties or portions of

32 properties embraced within the transportation corridor.

33 (e) The term "amendment" for purposes of this section includes any change to a

34 transportation corridor official map, including:

- 35 (1) ~~Failure of the Department of Transportation, the North Carolina Turnpike~~
- 36 ~~Authority, a city, a county, or a regional transportation authority to begin~~
- 37 ~~work on an environmental impact statement or preliminary engineering as~~
- 38 ~~required by this section; or~~
- 39 (2) ~~Deletion~~including deletion of the corridor from the transportation corridor
- 40 official map by action of the Board of Transportation, the North Carolina
- 41 Turnpike Authority, or deletion of the corridor from the long-range
- 42 transportation plan of a city, county, or regional transportation authority by
- 43 action of the city, county, or regional transportation authority governing
- 44 Board.

45 ...."

46 **SECTION 2.** G.S. 136-44.51 reads as rewritten:

47 **"§ 136-44.51. Effect of transportation corridor official map.**

48 (a) ~~After a transportation corridor official map is filed with the register of deeds, the~~

49 requirements of subsection (a1) of G.S. 136-44.50 are met, no building permit shall be issued

50 for any building or structure or part thereof located within the transportation corridor, nor shall

51 approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with

1 respect to property within the transportation corridor. The Secretary of Transportation or his  
2 designee, the director of a regional public transportation authority, or the director of a regional  
3 transportation authority, as appropriate, shall be notified within 10 days of all submittals for  
4 corridor map determination, as provided in subsections (b) and (c) of this section.

5 (b) In any event, no application for building permit issuance or subdivision plat  
6 approval for a tract subject to a valid transportation corridor official map shall be delayed by  
7 the provisions of this section for more than ~~three~~two years from the date of its original  
8 submittal to the appropriate local jurisdiction. A submittal to the local jurisdiction for corridor  
9 map determination shall require only the name of the property owner, the street address of the  
10 property parcel, the parcel number or tax identification number, a vicinity map showing the  
11 location of the parcel with respect to nearby roads and other landmarks, a sketch of the parcel  
12 showing all existing and proposed structures or other uses of the property, and a description of  
13 the proposed improvements. If the impact of an adopted corridor on a property submittal for  
14 corridor map determination is still being reviewed after the ~~three-year~~two-year period  
15 established pursuant to this subsection, the entity that adopted the transportation corridor  
16 official map affecting the issuance of building permits or subdivision plat approval shall issue  
17 approval for an otherwise eligible request or initiate acquisition proceedings on the affected  
18 properties. If the entity that adopted the transportation corridor official map has not initiated  
19 acquisition proceedings or issued approval within the time limit established pursuant to this  
20 subsection, an applicant within the corridor may treat the real property as unencumbered and  
21 free of any restriction on sale, transfer, or use established by this Article.

22 ...."

23 **SECTION 3.** G.S. 136-44.53(a) reads as rewritten:

24 "(a) ~~After a transportation corridor official map is filed with the register of deeds, the~~  
25 requirements of subsection (a1) of G.S. 136-44.50 are met, a property owner has the right of  
26 petition to the filer of the map for acquisition of the property due to an imposed hardship. The  
27 Department of Transportation, the regional public transportation authority, the regional  
28 transportation authority, or the local government that initiated the transportation corridor  
29 official map may make advanced acquisition of specific parcels of property when that  
30 acquisition is determined by the respective governing board to be in the best public interest to  
31 protect the transportation corridor from development or when the transportation corridor  
32 official map creates an undue hardship on the affected property owner. The procedure  
33 established by a regional public transportation authority or a regional transportation authority  
34 pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department  
35 of Transportation for any request for advance acquisition due to hardship that is denied by an  
36 authority. All hearings held by the Department under this subsection shall be conducted in  
37 accordance with procedures established by the Department pursuant to subsection (b) of this  
38 section. Any decision of the Department pursuant to this subsection shall be final and binding.  
39 Any property determined eligible for hardship acquisition shall be acquired within three years  
40 of the finding or the restrictions of the map shall be removed from the property."

41 **SECTION 4.** This act is effective when it becomes law and applies to maps filed  
42 before, on, or after that date.