

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1464\*

Short Title: Transportation Corridors.

(Public)

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Sponsors: Representative McMahan.

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Referred to: Transportation, if favorable, Finance.

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May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM  
DEVELOPMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 is amended by adding a new Article to read:

"ARTICLE 2F.

"Transportation Corridor Official Map Act.

"§ 136-44.60. **Transportation corridor official map act.**

(a) A transportation corridor official map may be adopted or amended by the Department of Transportation for any of the following:

(1) Any portion of the existing or proposed State highway system.

(2) Any portion of a railroad project contained in the Transportation Improvement Program adopted pursuant to G.S. 143B-350(f)(4).

(3) Any other transportation project or system contained in the Transportation Improvement Program adopted pursuant to G.S. 143B-350(f)(4).

No transportation corridor official map shall be adopted or amended, nor may any property be regulated under this Article until:

- 1           (1) The Department of Transportation in each county affected by the map,  
2           has held a public hearing on the proposed map or amendment. Notice  
3           of the hearing shall be provided:
- 4           a.     By publication at least once a week for four successive weeks  
5           prior to the hearing in a newspaper having general circulation in  
6           the county in which the transportation corridor to be designated  
7           is located.
- 8           b.     By two-week written notice to the the Chairman of the Board of  
9           County Commissioners and the Mayor of any city or town  
10           through whose corporate or extraterritorial jurisdiction the  
11           transportation corridor passes.
- 12           c.     By posting copies of the proposed transportation corridor map or  
13           amendment at the courthouse door for at least 21 days prior to  
14           the hearing date. The notice required in sub-subdivision a. above  
15           shall make reference to this posting.
- 16           (2) A permanent certified copy of the transportation corridor official map or  
17           amendment has been filed with the register of deeds. The boundaries  
18           may be defined by a map, by a written description, or by a combination  
19           of the two. The copy shall measure approximately 20 inches by 12  
20           inches, including no less than one and one-half inches binding space on  
21           the left-hand side.
- 22           (b) Transportation corridor official maps and amendments shall be distributed and  
23           maintained in the following manner:
- 24           (1)     A copy of the official map and each amendment shall be filed in the  
25           office of the city clerk and in the office of the district engineer.
- 26           (2)     A copy of the official map and each amendment and any variance  
27           granted the map or amendment pursuant to G.S. 136-44.62 shall be  
28           furnished to the tax supervisor of any county and tax collector of any  
29           city affected thereby. The portion of properties embraced within a  
30           transportation corridor and any variance granted shall be clearly  
31           indicated on all tax maps maintained by the county or city for such  
32           period as the designation remains in effect.
- 33           (3)     Notwithstanding any other provision of law, the certified copy filed with  
34           the register of deeds shall be placed in a book maintained for that  
35           purpose and cross-indexed by number of road, street name, or other  
36           appropriate description. The register of deeds shall collect a fee of five  
37           dollars (\$5.00) for each map sheet or page recorded.
- 38           (c)     Within two years following the establishment of a transportation corridor  
39           official map or amendment, work shall begin on an environmental impact statement or  
40           preliminary engineering. The failure to begin work within the two-year period shall  
41           constitute an abandonment of the corridor, and the provisions of this Article shall no  
42           longer apply to properties or portions of properties embraced within the transportation  
43           corridor.

1 **"§ 136-44.51. Effect of transportation corridor official map.**

2 (a) After a transportation corridor official map is filed with the register of deeds,  
3 no building permit shall be issued for any building or structure or part thereof located  
4 within the transportation corridor, nor shall approval of a subdivision, as defined in G.S.  
5 153A-335 and G.S. 160A-376, be granted with respect to property within the  
6 transportation corridor. The district engineer of the highway district in which the  
7 transportation corridor is located shall be notified within 10 days of all requests for  
8 building permits or subdivision approval within the transportation corridor. The  
9 provisions of this section shall not apply to building permits for buildings and structures  
10 which existed prior to the filing of the transportation corridor provided the size of the  
11 building or structure is not increased and the type of building code occupancy as set forth  
12 in the North Carolina Building Code is not changed.

13 (b) No application for building permit issuance or subdivision plat approval shall  
14 be delayed by the provisions of this section for more than three years from the date of its  
15 original submittal.

16 **"§ 136-44.62. Variance from transportation corridor official map.**

17 (a) The Department of Transportation shall establish procedures for considering  
18 petitions for variance from the requirements of G.S. 136-44.61.

19 (b) The procedure established by the State shall provide for written notice to the  
20 Mayor and Chairman of the Board of County Commissioners of any affected city or  
21 county, and for the hearing to be held in the county where the affected property is  
22 located.

23 (c) A variance may be granted upon a showing that:

24 (1) Even with the tax benefits authorized by this Article, no reasonable  
25 return may be earned from the land; and

26 (2) The requirements of G.S. 136-44.61 result in practical difficulties or  
27 unnecessary hardships.

28 **"§ 136-44.63. Advance acquisition of right-of-way within the transportation**  
29 **corridor.**

30 (a) After a transportation corridor official map is filed with the register of deeds  
31 the Department of Transportation may make advanced acquisition of specific parcels of  
32 property when that acquisition is determined by the Department to be in the best public  
33 interest to protect the transportation corridor from development or when the  
34 transportation corridor official map creates an undue hardship on the affected property  
35 owner.

36 (b) Prior to making any advanced acquisition of right-of-way under the authority  
37 of this Article, the Department of Transportation shall develop and adopt appropriate  
38 policies and procedures to govern the advanced acquisition of right-of-way and to assure  
39 such advanced acquisition is in the best overall public interest."

40 Section 2. This act is effective when it becomes law.