

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 881*
Committee Substitute Favorable 5/13/09

Short Title: Transportation Corridor Mapping Changes. (Public)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE CITIES AND COUNTIES IN TRANSPORTATION CORRIDOR
3 MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED
4 BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF
5 TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO
6 MUNICIPALITIES ON A COST REIMBURSEMENT BASIS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-44.50(a) reads as rewritten:

9 "(a) A transportation corridor official map may be adopted or amended by any of the
10 following:

- 11 (1) The governing board of any local government for any thoroughfare included
12 as part of a comprehensive plan for streets and highways adopted pursuant to
13 G.S. 136-66.2 or for any proposed public transportation corridor included in
14 the adopted long-range transportation plan.
- 15 (2) The Board of ~~Transportation~~ Transportation, or the governing board of any
16 county, for any portion of the existing or proposed State highway system or
17 for any public transportation corridor, to include rail, that is in the
18 Transportation Improvement Program.
- 19 (3) Regional public transportation authorities created pursuant to Article 26 of
20 Chapter 160A of the General Statutes or regional transportation authorities
21 created pursuant to Article 27 of Chapter 160A of the General Statutes for
22 any portion of the existing or proposed State highway system, or for any
23 proposed public transportation corridor, or adjacent station or parking lot,
24 included in the adopted long-range transportation plan.
- 25 (4) The North Carolina Turnpike Authority for any project being studied
26 pursuant to G.S. 136-89.183.
- 27 (5) The Wilmington Urban Area Metropolitan Planning Organization for any
28 project that is within its urbanized boundary and identified in G.S. 136-179.

29 Before a city adopts a transportation corridor official map that extends beyond the
30 extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances,
31 or adopts an amendment to a transportation corridor official map outside the extraterritorial
32 jurisdiction of its building permit issuance and subdivision control ordinances, the city shall
33 obtain approval from the Board of County Commissioners."

34 **SECTION 2.** G.S. 136-44.50(a1) reads as rewritten:

35 "(a1) No ~~transportation corridor official map shall be adopted or amended, nor may any~~
36 property may be regulated under this Article until:



- 1 (1) The governing board of the city, the county, the regional transportation
2 authority, the North Carolina Turnpike Authority, or the Department of
3 Transportation has held a public hearing in each county affected by the map
4 on the proposed map or amendment. Notice of the hearing shall be provided:
5 a. By publication at least once a week for four successive weeks prior
6 to the hearing in a newspaper having general circulation in the
7 county in which the transportation corridor to be designated is
8 located.
9 b. By two week written notice to the Secretary of Transportation, the
10 Chairman of the Board of County Commissioners, and the Mayor of
11 any city or town through whose corporate or extraterritorial
12 jurisdiction the transportation corridor passes.
13 c. By posting copies of the proposed transportation corridor map or
14 amendment at the courthouse door for at least 21 days prior to the
15 hearing date. The notice required in sub-subdivision a. above shall
16 make reference to this posting.
17 d. By first-class mail sent to each property owner affected by the
18 corridor. The notice shall be sent to the address listed for the owner
19 in the county tax records.
- 20 (1a) The transportation corridor official map has been adopted or amended by the
21 governing board of the city, the county, the regional transportation authority,
22 the North Carolina Turnpike Authority, or the Department.
- 23 (2) A permanent certified copy of the transportation corridor official map or
24 amendment has been filed with the register of deeds. The boundaries may be
25 defined by map or by written description, or a combination thereof. The
26 copy shall measure approximately 20 inches by 12 inches, including no less
27 than one and one-half inches binding space on the left-hand side.
- 28 (3) The names of all property owners affected by the corridor have been
29 submitted to the Register of Deeds."

30 **SECTION 3.** Chapter 136 of the General Statutes is amended by adding a new
31 section to read:

32 **"§ 136-34.1. Department of Transportation authorized to furnish road maintenance**
33 **materials to municipalities.**

34 The Department of Transportation is authorized, in its discretion and in emergent
35 circumstances or for other good cause, to furnish municipalities road maintenance materials to
36 aid municipalities in the maintenance of streets upon agreement for reimbursement, as may be
37 required by the Department and agreed to by the municipality. The agreement shall provide for
38 reimbursement in an amount at least equal to the cost of the materials, together with the actual
39 reasonable cost of any handling and storage of the materials and of administering the
40 reimbursement agreement, all as solely determined by the Department. In no event shall the
41 Department of Transportation be required to furnish road maintenance materials when, in the
42 sole determination of the Department of Transportation, to do so would interfere with the
43 maintenance of the streets and highways under its control. Notwithstanding any other provision
44 of law, the provision of and reimbursement for materials under this section shall not be deemed
45 a sale for any purpose."

46 **SECTION 4.** This act becomes effective July 1, 2009.