

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1291*

Short Title: Transportation Corridors.

(Public)

Sponsors: Senators Gulley; and Hartsell.

Referred to: Transportation.

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
3 CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM
4 DEVELOPMENT.

5 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 2F.**

8 **"TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.**

9 **"§ 136-44.60. Transportation corridor official map act.**

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

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

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

15 (3) Any other transportation project or system contained in the
16 Transportation Improvement Program adopted pursuant to G.S. 143B-
17 350(f)(4).

18 No transportation corridor official map shall be adopted or amended, nor may any
19 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.