

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1698*

Short Title: Express Permitting Review Program.

(Public)

Sponsors: Senator Jenkins.

Referred to: Commerce, Small Business and Entrepreneurship.

May 21, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AN EXPRESS PERMITTING REVIEW PROGRAM FOR
3 CONNECTIONS TO THE STATE HIGHWAY SYSTEM, AS RECOMMENDED
4 BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT
5 COMMITTEE.

6 The General Assembly of North Carolina enacts:

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

9 "**§ 136-93.1. Express Review Program.**

10 (a) The Department may develop a fee supported express review program in each
11 highway division to provide express permit and certification reviews in order for an
12 applicant to make a connection to the State highway system for a driveway, street,
13 signal, drainage, or any other encroachment. The Department of Transportation may use
14 contracted engineering firms supporting each highway division to provide express
15 permit reviews, comments, and recommendations for issuing such express permits.
16 Existing staff and resources allocated to a division may be used for an express permit
17 review program, but no new staff shall be hired for the purposes of implementing an
18 express permit review program. Highway division participation in the express review
19 program is voluntary. Any highway division that implements an express permit review
20 program shall ensure it is supported by the fees established pursuant to subsection (b)
21 of this section. The express review program may be applied to any or all of the permits,
22 approvals, or certifications provided in this subsection and shall be processed within 30
23 days of receipt of a complete permit application by the Department.

24 (b) The Department may determine the fees for an express application review under
25 the express review program. The maximum permit application fee to be charged under
26 this section for an express review of a project application requiring all of the permits
27 under subsection (a) of this section shall not exceed four thousand dollars (\$4,000). The
28 Department shall review and determine completeness of an application within 3
29 business days of receipt. If an express permit is not issued or denied within 30 days of

1 receipt of the complete permit application, the entire cost of the express permit will be
2 returned to the applicant. Notwithstanding Chapter 150B of the General Statutes, the
3 Department shall establish the procedure by which the amount of the fees under this
4 subsection are established and applied for an express review program permitted by this
5 section. All fee schedules shall be applicable to any divisions participating in an express
6 permit review program.

7 (c) No later than March 1 of each year, the Department shall report to the Fiscal
8 Research Division and the Joint Legislative Transportation Oversight Committee. The
9 report shall include the cost of administering the program in each division, the number
10 of express permits issued, the turnaround time for permits, the amount of fees collected
11 per division, and the method that divisions use to implement the program.

12 (d) All fees collected under this section shall be used to pay for the cost of
13 administering and implementing express review programs under this section. These
14 costs include the salaries of the program's staff and costs of contracted engineering
15 firms.

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