

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

SENATE BILL 654  
RATIFIED BILL

AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION FOR CLAIMS ARISING OUT OF ACTIONS TAKEN BY THE ORGANIZATION PURSUANT TO THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT AND TO CLARIFY CERTAIN PROVISIONS OF THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.

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.**

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

- (1) The governing board of any local government for any thoroughfare included as part of a comprehensive plan for streets and highways adopted pursuant to G.S. 136-66.2 or for any proposed public transportation corridor included in the adopted long-range transportation plan.
- (2) The Board of Transportation, or the governing board of any county, for any portion of the existing or proposed State highway system or for any public transportation corridor, to include rail, that is in the Transportation Improvement Program.
- (3) Regional public transportation authorities created pursuant to Article 26 of Chapter 160A of the General Statutes or regional transportation authorities created pursuant to Article 27 of Chapter 160A of the General Statutes for any portion of the existing or proposed State highway system, or for any proposed public transportation corridor, or adjacent station or parking lot, included in the adopted long-range transportation plan.
- (4) The North Carolina Turnpike Authority for any project being studied pursuant to G.S. 136-89.183.
- (5) The Wilmington Urban Area Metropolitan Planning Organization for Department projects R-3300 and U-4751.

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

(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~~ Transportation, or any other entity listed in subsection (a) of this section 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:  
...  
(1a) The transportation corridor official map has been adopted or amended by the governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, ~~or the Department~~ Department, or any other entity listed in subsection (a) of this section.



(e) The term "amendment" for purposes of this section includes any change to a transportation corridor official map, including:

- (1) Failure of the Department of Transportation, the North Carolina Turnpike Authority, a city, a county, ~~or a regional transportation authority~~authority, or any other entity listed in subsection (a) of this section to begin work on an environmental impact statement or preliminary engineering as required by this section; or

...

(g) The Department of Transportation shall defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area Metropolitan Planning Organization's adoption, filing, or amendment of a transportation corridor official map pursuant to this Article."

**SECTION 2.** G.S. 136-44.51(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor. The Secretary of Transportation or his designee, the director of the Wilmington Urban Area Metropolitan Planning Organization, the director of a regional public transportation authority, or the director of a regional transportation authority, as appropriate, shall be notified within 10 days of all submittals for corridor map determination, as provided in subsections (b) and (c) of this section."

**SECTION 3.** G.S. 136-44.52(a) reads as rewritten:

"(a) The Department of Transportation, the regional public transportation authority, the regional transportation authority, ~~or the local government which~~government, or other entity listed in subsection (a) of G.S. 136-44.50 that initiated the transportation corridor official map shall establish procedures for considering petitions for variance from the requirements of G.S. 136-44.51."

**SECTION 4.** G.S. 136-44.53(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, a property owner has the right of petition to the filer of the map for acquisition of the property due to an imposed hardship. The Department of Transportation, the regional public transportation authority, the regional transportation authority, the Wilmington Urban Area Metropolitan Planning Organization, or the local government that initiated the transportation corridor official map may make advanced acquisition of specific parcels of property when that acquisition is determined by the respective governing board to be in the best public interest to protect the transportation corridor from development or when the transportation corridor official map creates an undue hardship on the affected property owner. The procedure established by a regional public transportation ~~authority~~authority, or the Wilmington Urban Area Metropolitan Planning Organization pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department of Transportation for any request for advance acquisition due to hardship that is denied by an authority. All hearings held by the Department under this subsection shall be conducted in accordance with procedures established by the Department pursuant to subsection (b) of this section. Any decision of the Department pursuant to this subsection shall be final and binding. Any property determined eligible for hardship acquisition shall be acquired within three years of the finding or the restrictions of the map shall be removed from the property."

**SECTION 5.** Subsection (g) of G.S. 136-44.50, as enacted by Section 1 of this act, is effective when this act becomes law and applies to maps filed, adopted, or amended before that date. The remainder of this act is effective when it becomes law and applies to maps filed, adopted, or amended before, on, or after that date.

In the General Assembly read three times and ratified this the 15<sup>th</sup> day of July, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

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Pat McCrory  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2015