



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 489**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H489-ABG-32 [v.5]

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Amends Title [NO]
Third Edition

Date _____, 2021

Senator McInnis

1 moves to amend the bill on page 8, line 17, by rewriting the line to read:

2 "SECTION 8.(a) G.S. 160D-804 reads as rewritten:

3 "§ 160D-804. Contents and requirements of regulation.

4 ...

5 (c) Transportation and Utilities. –

6 (1) The regulation may provide for the dedication of rights-of-way or easements
7 for street and utility purposes, including the dedication of rights-of-way
8 pursuant to G.S. 136-66.10 or G.S. 136-66.11.

9 (2) A regulation adopted by a city may provide that in lieu of required street
10 construction, a developer be required to provide funds for city use for the
11 construction of roads to serve the occupants, residents, or invitees of the
12 subdivision or development, and these funds may be used for roads which
13 serve more than one subdivision or development within the area. All funds
14 received by the city pursuant to this subdivision shall be used only for
15 development of roads, including design, land acquisition, and construction.
16 However, a city may undertake these activities in conjunction with the
17 Department of Transportation under an agreement between the city and the
18 Department of Transportation.

19 (3) A regulation adopted by a county may provide that in lieu of required street
20 construction, a developer may provide funds to a county to be used for the
21 development of roads to serve the occupants, residents, or invitees of the
22 subdivision or development. All funds received by the county under this
23 subdivision shall be transferred to a city to be used solely for the development
24 of roads, including design, land acquisition, and construction. Any city
25 receiving funds from a county under this subdivision is authorized to expend
26 the funds outside its corporate limits for the purposes specified in the
27 agreement between the municipality and the county.

28 (4) Any formula adopted by a local government to determine the amount of funds
29 the developer is to pay in lieu of required street construction shall be based on
30 the trips generated from the subdivision or development. The regulation may
31 require a combination of partial payment of funds and partial dedication of



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constructed streets when the governing board determines that a combination
is in the best interests of the citizens of the area to be served.

For transportation improvements intended to be designated as public under G.S. 136-102.6,
the Department of Transportation shall add the transportation improvements to the State highway
system for maintenance pursuant to G.S. 136-102.6(d) no later than 90 days after receipt of the
filing of the certificate of completion by the division engineer of record.

...."

SECTION 8.(b) This section becomes effective January 1, 2022, and applies to
transportation improvements submitted to the Division of Highways of the Department of
Transportation for review and approval on or after that date.

SECTION 9. Except as otherwise provided, this act is effective when it becomes".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____