



# HOUSE BILL 183: Repeal Map Act

2015-2016 General Assembly

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<b>Committee:</b>	House Transportation, if favorable, Finance	<b>Date:</b>	March 17, 2015
<b>Introduced by:</b>	Reps. R. Brown, Conrad, Lambeth, Watford	<b>Prepared by:</b>	Wendy Graf Ray
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 183 would repeal the Transportation Corridor Official Map Act, which authorizes the Department of Transportation, local governments, and transportation authorities to adopt maps for future transportation projects and places restrictions on properties within mapped corridors. The bill also directs the Department of Transportation to study the development of a process for acquiring land for future projects in light of a recent Court of Appeals decision in which the Court held that the filing of a map under the Act amounted to a taking.*

**CURRENT LAW:** The Transportation Corridor Official Map Act was enacted in 1987, and it authorizes the Department of Transportation and other governing bodies to adopt and file transportation corridor maps. As long as work on an environmental impact statement or preliminary engineering begins within one year of the establishment of the corridor, there is no time limit on the map. Once the map has been filed, no building permits or subdivision approvals may be granted for properties within the corridor for up to three years. After three years from the date a permit application is submitted, the permit must be granted, or the entity that adopted the map must initiate acquisition proceedings. If the entity does not act as required, then the applicant may treat the property as unencumbered. The Act also allows for property owners within the corridor to petition for a variance from restrictions (to be granted upon a showing that no reasonable return may be earned from the land, and the requirements result in practical difficulties or unnecessary hardships) or for advance acquisition due to an imposed hardship.

In February of 2015, the North Carolina Court of Appeals, in *Kirby v. North Carolina Department of Transportation*, No. COA14-184 (N.C. Ct. App. 2015), found that application of the Map Act restrictions with regard to property in the corridor for the Western and Eastern Loops of the Northern Beltway Project in Forsyth County amounted to a taking for which the plaintiffs were entitled to compensation. The court referenced the "perpetual applicability of the restrictions of the Map Act" and determined that, without a specified end to the restrictions on development or improvement, the Department exercised its power of eminent domain when it filed the transportation corridor maps.

**BILL ANALYSIS:** House Bill 183 would repeal the Transportation Corridor Official Map Act and related statutes. It would also direct the Department of Transportation to study the development of a process for acquiring land for future highway construction in light of the holding in *Kirby*. The Department would be required to report its findings to the Joint Legislative Transportation Oversight Committee no later than six months after the effective date of this act.

**EFFECTIVE DATE:** Portions of the act affecting tax rates for property inside mapped corridors would be effective for taxes imposed for tax years beginning on or after July 1, 2015. The remainder of the act would be effective when it becomes law and would apply to maps filed before, on, or after that date.

