



HOUSE BILL 131: Repeal Map Act.

2019-2020 General Assembly

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| Committee: | House Transportation. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | March 12, 2019 |
| Introduced by: | Reps. Conrad, Lambeth, Potts, Torbett | Prepared by: | Howard Marsilio |
| Analysis of: | PCS to First Edition H131-CSBG-9 | | Committee Counsel |

SUMMARY: *House Bill 131 would repeal the Transportation Corridor Official Map Act, which authorized the North Carolina Department of Transportation (NCDOT), local governments, and transportation authorities to adopt maps for future transportation projects and placed restrictions on properties within mapped corridors.*

The Proposed Committee Substitute makes a technical correction and a change to the effective date.

CURRENT LAW: The Transportation Corridor Official Map Act was enacted in 1987, and it authorized the NCDOT and other governing bodies to adopt and file transportation corridor maps.

In February of 2015, the North Carolina Court of Appeals, in *Kirby v. North Carolina Department of Transportation*, 239 N.C.App. 345, 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.

Sections 16 and 17 of S.L. 2016-90 rescinded all of the existing corridor maps filed under the Map Act and put a moratorium on filing maps until 2017. The moratorium was extended by Section 34.18 of S.L. 2017-57 to 2018. Section 34.9.(a) of S.L. 2018-5 extended the moratorium on transportation corridor official map adoptions until July 1, 2019.

BILL ANALYSIS: House Bill 131 would repeal the Transportation Corridor Official Map Act.

EFFECTIVE DATE: This act is effective when it becomes law.

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