



# HOUSE BILL 131: Repeal Map Act.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	June 11, 2019
<b>Introduced by:</b>	Reps. Conrad, Lambeth, Potts, Torbett	<b>Prepared by:</b>	Susan Sitze*
<b>Analysis of:</b>	Second Edition		Staff Attorney

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

**CURRENT LAW:** The Transportation Corridor Official Map Act was enacted in 1987, and it authorized the Department of Transportation 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. The North Carolina Supreme Court subsequently affirmed the Court of Appeals decision in 2016.

In 2016, the General Assembly enacted legislation (S.L. 2016-90) that rescinded all of the existing corridor maps filed under the Map Act and put a moratorium on filing maps until 2017.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 in 2017 (S.L. 2017-57) to 2018, and again in 2018 (S.L. 2018-5) until July 1, 2019.

**BILL ANALYSIS:** House Bill 131 would repeal the Transportation Corridor Official Map Act and make necessary conforming changes to other statutes.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

*\*Howard Marsilio, Staff Attorney, substantially contributed to this summary.*

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*This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.*