

19A NCAC 02B .0317 IMPLEMENTATION OF ROADWAY CORRIDOR OFFICIAL MAPS

(a) A roadway corridor official map, hereinafter referred to as "official map," is defined as a map, drawing or written description of a planned roadway alignment, with approximations of future right of way boundaries, which is adopted by the Board of Transportation for right of way protection purposes.

(b) The Division of Highways of the North Carolina Department of Transportation is responsible for the implementation of the procedures governing the adoption of official maps.

(c) The Department of Transportation shall conduct environmental studies or screenings prior to the adoption of an official corridor map as follows:

- (1) If environmental studies are in the process of being conducted on a project being considered for an official map, then the adoption of the map must await the determination of the recommended alternative. In such cases, the public hearing required for a proposed official map or amendment under G.S. 136-44.50(a)(1) may be combined with the design public hearing.
- (2) If environmental studies have not been conducted or are not underway for a project for which an official map is to be prepared, a preliminary environmental screening of the proposed alignment must be conducted to determine the environmental feasibility of the project.

(d) An official map illustrating the proposed project must be prepared prior to the initiation of the map adoption procedure. An official map must be of sufficient detail to identify the proposed project in terms of functional design, location and preliminary right of way boundaries. The approximate property boundaries will be identified on the map and the names of the affected property owners at the time of the recording must be provided.

(e) The Department of Transportation shall conduct a public hearing on the proposed map or an amendment to the existing adopted map prior to the adoption of an official corridor map or amendment as follows:

- (1) The Public Hearing Officer of the Division of Highways, after the project has been selected and the official map has been prepared, shall arrange the date and location of the public hearing on the proposed map or amendment as required by G.S. 136-44.50(a)(1). The date of the hearing must be determined in advance so as to allow sufficient time for the period of public notice which is required pursuant to G.S. 136-44.50(a)(1).
- (2) In addition to the public hearing notice requirements established by G.S. 136-44.50(a)(1), the notice shall indicate that copies of the proposed official map are available for review in the office of the District Engineer in whose jurisdiction the area which is the subject of the map is located.
- (3) The Public Hearing Officer shall conduct the public hearing. Public comment at the hearing shall be directed towards the designation of the subject project as an "official map" and any impacts created by such designation. Either a transcript of the public hearing or a summary of the comments made at the hearing shall be prepared.

(f) The Board of Transportation, following a review of the public hearing transcript or the summary of the comments made at the hearing, may adopt an official map at a Board of Transportation meeting.

(g) In addition to the statutory requirements for the distribution and maintenance of official maps established by G.S. 136-44.50(b)(1), a copy of an official map adopted by the Board of Transportation shall be maintained by the Program Development Branch of the Department and a copy shall be provided to the building inspectors and planning officials in the jurisdictions affected by the map.

(h) The procedures for the Department of Transportation's consideration of petitions for variances from requirements imposed by the adoption of an official corridor map are as follows:

- (1) Any property owner affected by an official map adopted by the Board of Transportation may petition for a variance from the requirements imposed by the statute (G.S. 136-44.51). A request for a variance shall be directed to the Program Development Branch for consideration and processing. The property owner may either request that an administrative hearing be held in the county in which the affected property is located or may state the reasons for and supply any evidence supporting the variance request in writing to the Director of the Program Development Branch. In instances where a hearing is scheduled pursuant to a request for a variance, the Program Development Branch shall provide written notice of the hearing to the mayor of any affected city or the chairman of the board of commissioners of any affected county, in accordance with G.S. 136-44.52(b).
- (2) Upon consideration of the facts and circumstances pertaining to the petition for a variance as determined from evidence provided by the property owner, the Program Development Branch may grant a variance, recommend the subject property be considered for advance acquisition, or deny the request. A written record of the decision shall be provided to the petitioning property owner

within 30 days of the date of the hearing or the date of the receipt of the written request for the variance.

- (3) If the petitioning property owner receives an unfavorable ruling from the Program Development Branch concerning the variance request, he or she may request a review of the case by the Chief Engineer. The Chief Engineer shall evaluate the case and provide a final administrative decision in writing within 30 days of the date of the receipt of the review request.
- (4) Any property located within a designated roadway corridor may be considered for advance acquisition prior to the expiration of the three year time period established in G.S. 136-44.51(b). All requests for such advance acquisition shall be in writing, include all supporting documentation, and be submitted to the Right of Way Branch with a copy sent to the Program Development Branch.

History Note: Authority G.S. 136-44.50; 136-44.51; 136-44.52; 143B-350(f);
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