

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40307-ML-100 (02/20)

Short Title: Traffic Impact Analysis Time Frame. (Public)

Sponsors: Representatives Millis and Torbett (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A TIME FRAME IN WHICH THE DEPARTMENT OF
3 TRANSPORTATION MUST MAKE A DECISION ON A DRIVEWAY PERMIT
4 APPLICATION REQUIRING A TRAFFIC IMPACT ANALYSIS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 7 of Chapter 136 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 136-93.1A. Time frame for reviewing and making a decision on certain driveway**
9 **permit applications.**

10 (a) Required Time Frames. – The following time frames apply to the Department's
11 process for reviewing and making a decision on a driveway permit application that requires a
12 traffic impact analysis:

13 (1) The Department shall communicate the scope of the traffic impact analysis
14 to the applicant no later than 10 business days from the day the Department
15 receives the scope proposed by the applicant.

16 (2) The Department shall review and make a decision as to the completeness of
17 the traffic impact analysis no later than 20 business days from the day the
18 Department receives the traffic impact analysis. Failure of the Department to
19 meet the time frame set forth in this subdivision shall result in the traffic
20 impact analysis being deemed complete.

21 (3) The Department shall review and make a decision as to the issuance of a
22 driveway permit no later than 20 business days from the day the traffic
23 impact analysis is determined or deemed to be complete in accordance with
24 subdivision (2) of this subsection. Failure of the Department to meet the time
25 frame set forth in this subdivision shall result in the driveway permit
26 application being deemed approved and the Department shall issue the
27 driveway permit.

28 (b) Calculation. – The following rules apply when calculating the time frames set forth
29 in subsection (a) of this section:

30 (1) For the time frames set forth in subdivisions (1) and (2) of subsection (a) of
31 this section, the period of a time in which a local government or local
32 transportation planning organization reviews and provides feedback shall be
33 included.

34 (2) The period of time in which the Department awaits a response from an
35 applicant shall not be included.



1 (c) Basis for Rejection. – The Department shall not reject a traffic impact analysis or
2 deny issuance of a driveway permit on the basis that the applicant has failed to include
3 information in a traffic impact analysis that is outside the scope established under subdivision
4 (1) of subsection (a) of this section for that traffic impact analysis.

5 (d) Criteria. – The Department shall develop and use criteria for determining the scope
6 of a traffic impact analysis and the completeness of a traffic impact analysis. The Department
7 shall post the criteria on its Web site. Prior to amending the criteria, the Department shall
8 consult with a working group that consists of engineers, local government representatives, local
9 transportation planning organization representatives, and other interested stakeholders
10 identified by the Department. The Department shall provide at least 90 days' notice prior to the
11 effective date of any amendments to the criteria. The notice required under this subsection may
12 be satisfied by publishing the proposed amendments on the Department's Web site.

13 (e) Report. – Beginning October 1, and annually thereafter, the Department shall
14 provide to the chairs of the Joint Legislative Transportation Oversight Committee a report on
15 the number of times the Department failed during the year preceding the report to meet the time
16 frame set in subdivision (1) of subsection (a) of this section, including reasoning for each
17 failure."

18 **SECTION 2.** This act becomes effective July 1, 2017, and applies to driveway
19 permit applications received on or after that date.