

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 528

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

Sponsors: Representatives Millis and Torbett (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, State and Local Government II

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A TIME FRAME IN WHICH THE DEPARTMENT OF
TRANSPORTATION MUST MAKE A DECISION ON A DRIVEWAY PERMIT
APPLICATION REQUIRING A TRAFFIC IMPACT ANALYSIS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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



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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.