



seat 109

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 116

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H116-ASU-11 [v.2]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Third Edition

Date 5/11/2009, 2009

Representative Tillis

T-2
as amended by Amendment #2
Withdrawn 5/14/09
re submitted 5/11/09

1 moves to amend the bill on page 5, lines 40-41, #2
2 by inserting the following between the lines:
3
4

5 "(c) Notwithstanding the provisions of subsection (a), if the sole means of ingress and
6 egress to a property being developed is over an existing public roadway established and
7 maintained by the State or municipality and within a railroad corridor and does not require the
8 use of any additional land within the railroad corridor, then the provisions of subsection (a)
9 shall not apply and the applicant seeking approval of the development plan from the county
10 may use that existing public roadway in its development plan without obtaining consent of the
11 railroad. Nothing in this subsection shall be construed to alter or affect the property rights of
12 the railroad or adjacent or underlying landowners.

13 (d) The Department of Transportation may not condition the approval of any
14 development plan on an applicant making road improvements, including adding an additional
15 lane, if those road improvements would be within the railroad corridor and would require the
16 consent of the railroad under subsection (a)."; and

17
18
19 on page 11, lines 12-13,
20 by inserting the following between the lines:
21
22

ADOPTED

23 "(c) Notwithstanding the provisions of subsection (a), if the sole means of ingress and
24 egress to a property being developed is over an existing public roadway established and
25 maintained by the State or municipality and within a railroad corridor and does not require the
26 use of any additional land within the railroad corridor, then the provisions of subsection (a)
27 shall not apply and the applicant seeking approval of the development plan from the city may
28 use that existing public roadway in its development plan without obtaining consent of the
29 railroad. Nothing in this subsection shall be construed to alter or affect the property rights of
30 the railroad or adjacent or underlying landowners.

31 (d) The Department of Transportation may not condition the approval of any
32 development plan on an applicant making road improvements, including adding an additional



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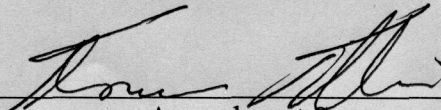
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- 1 lane, if those road improvements would be within the railroad corridor and would require the
2 consent of the railroad under subsection (a)."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

115-0 EV

FAILED

TABLED

MAY 11 2009

Seneca Weeks

ADOPTED