

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1226

Short Title: Improve Air Quality With Local Plan.

(Public)

Sponsors: Representatives Hackney; and Alexander.

Referred to: Transportation.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPROVE AIR QUALITY THROUGH LOCAL LAND  
DEVELOPMENT AND TRANSPORTATION PLANNING.

The General Assembly of North Carolina enacts:

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

"Article 18.

"Local Planning to Improve Air Quality.

**"§ 136-220. Improving air quality through local land development and  
transportation planning.**

(a) Develop Plan. – A unit of local government located within a nonattainment  
area, as defined in G.S. 143-213, for ozone using the one-hour standard shall develop a  
local land development and transportation plan under this section. Any unit of local  
government located within a nonattainment area for any pollutant or for ozone using the  
eight-hour standard may develop a local land development and transportation plan  
under this section. Any unit of local government located within an area that is not  
shown to have exceeded any national ambient air quality standard for any pollutant may  
develop a local land development and transportation plan under this section. Any plan  
developed under this section shall be certified by the unit of local government and  
submitted to the Department of Transportation.

(b) Land Use Strategies. – A local land development and transportation plan  
under subsection (a) of this section shall contain land-use strategies that minimize  
mobile source emissions, which may include:

(1) Establishing a central business district that can serve as the point  
where a regional transit system converges.

(2) Creating high density, mixed-use development capable of being linked  
by a transit network.

- 1           (3) Locating compatible land uses within close proximity of one another,  
2           suitable for walking from one activity to another.
- 3           (4) Locating new development in areas of existing development.
- 4           (5) Increasing the density of development within walking distance of  
5           transit stations or a high-capacity transit corridor.
- 6           (6) Increasing sidewalks, paths, crosswalks, and protection from fast-  
7           moving motor vehicle traffic.
- 8           (7) Decreasing traffic congestion by increasing available routes.
- 9           (8) Limiting parking supply and modifying zoning requirements to lower  
10           the number of parking spaces needed for development in areas of  
11           higher density and existing areas of development.
- 12           (9) Providing close parking for travelers who carpool.
- 13           (10) Adopting zoning regulations that facilitate the implementation of land-  
14           use strategies that minimize mobile source emissions and modifying  
15           existing zoning regulations that prevent or hinder the implementation  
16           of these land-use strategies.

17           (c) Failure to Develop Required Plan. – Any unit of local government that is  
18 required under subsection (a) of this section to develop a local land development and  
19 transportation plan and has failed to develop a local land development and  
20 transportation plan shall not add projects to the Transportation Improvement Program  
21 under this Chapter.

22           (d) Benefits of Having an Approved Plan. – Any unit of local government that  
23 has developed a local land development and transportation plan under this section is  
24 entitled to receive, notwithstanding G.S. 136-17.2A, priority in receiving federal  
25 congestion mitigation and air quality improvement program funds appropriated to the  
26 State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149,  
27 priority for funds received through competitive awards and discretionary grants through  
28 federal appropriations, and priority for any other funds that the Department of  
29 Transportation determines to use for this purpose.

30           (e) Coordination. – A unit of local government developing a local land  
31 development and transportation plan under this section may coordinate its activities  
32 with other units of local government located within the same nonattainment area and  
33 with a Metropolitan Planning Organization under Article 16 of this Chapter or a Rural  
34 Transportation Planning Organization under Article 17 of this Chapter having some  
35 common jurisdiction.

36           (f) Duties of the Department. – The Department of Transportation shall  
37 coordinate its efforts and activities related to improving air quality or planning with the  
38 Department of Environment and Natural Resources. The Department of Transportation  
39 shall incorporate the land-use strategies under subsection (b) of this section into its  
40 planning activities."

41           **SECTION 2.** This act becomes effective January 1, 2002.