

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15063-ML-129 (03/09)

Short Title: Road Improvements Adjacent to Schools. (Public)

Sponsors: Senators Tillman, McInnis, and Curtis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN REVISIONS TO STATE LAW CONCERNING
3 REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-18(29a) reads as rewritten:

6 "(29a) To coordinate with all public and private entities planning schools to provide
7 written recommendations and evaluations of driveway access and traffic
8 operational and safety impacts on the State highway system resulting from
9 the development of the proposed sites. All public and private entities shall,
10 upon acquiring land for a new school or prior to beginning construction of a
11 new school, relocating a school, or expanding an existing school, request
12 from the Department a written evaluation and written recommendations to
13 ensure that all proposed access points comply with the criteria in the current
14 North Carolina Department of Transportation "Policy on Street and
15 Driveway Access". The Department shall provide the written evaluation and
16 recommendations within a reasonable time, which shall not exceed 60 days.
17 This subdivision applies to improvements that are not located on the school
18 property. The Department shall have the power to grant final approval of any
19 project design under this subdivision. To facilitate completion of the
20 evaluation and recommendations within the required 60 days, in lieu of the
21 evaluation by the Department, schools may engage their own independent
22 traffic engineer. The resulting evaluation and recommendations from the
23 independent traffic engineer shall also fulfill any similar requirements
24 imposed by a unit of local government. This subdivision shall not be
25 construed to require the public or private entities planning schools to meet
26 the recommendations made by the ~~Department~~, Department or the
27 independent traffic engineer, except those highway improvements that are
28 required for safe ingress and egress to the State highway system.
29 pursuant to subdivision (29) of this section, and that are physically
30 connected to a driveway on the school property. The total cost of any
31 improvements to the State highway system provided by a school pursuant to
32 this subdivision, including those improvements pursuant to subdivision (29)
33 of this section, shall be reimbursed by the Department. Any agreement
34 between a school and the Department to make improvements to the State
35 highway system shall not include a requirement for acquisition of
36 right-of-way by the school, unless the school is owned by an entity that has



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1 eminent domain power. Nothing in this subdivision shall preclude the
2 Department from entering into an agreement with the school whereby the
3 school installs the agreed upon improvements and the Department provides
4 full reimbursement for the associated costs incurred by the school, including
5 design fees and any costs of right-of-way or easements. The term "school,"
6 as used in this subdivision, means any facility engaged in the educational
7 instruction of children in any grade or combination of grades from
8 kindergarten through the twelfth grade at which attendance satisfies the
9 compulsory attendance law and includes charter schools authorized under
10 G.S. 115C-218.5. The term "improvements," as used in this subdivision,
11 refers to all facilities within the right-of-way required to be installed to
12 satisfy the road cross-section requirements depicted upon the approved
13 plans. These facilities shall include roadway construction, including
14 pavement installation and medians; ditches and shoulders; storm drainage
15 pipes, culverts, and related appurtenances; and, where required, curb and
16 gutter; signals, including pedestrian safety signals; street lights; sidewalks;
17 and design fees. Improvements shall not include any costs for public
18 utilities."

19 **SECTION 2.** Chapter 160A of the General Statutes is amended by adding a new
20 section to read:

21 **"§ 160A-307.1. Limitation on city requirements for street improvements related to**
22 **schools.**

23 A city may only require street improvements related to schools that are required for safe
24 ingress and egress to the municipal street system and that are physically connected to a
25 driveway on the school site. The required improvements shall not exceed those required
26 pursuant to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require
27 street improvements related to schools as provided in G.S. 160A-372. The cost of any
28 improvements to the municipal street system shall be reimbursed by the Department of
29 Transportation. For purposes of this section, the Department of Transportation shall have the
30 power to grant final approval of any project design for which it provides reimbursement. Any
31 agreement between a school and a city to make improvements to the municipal street system
32 shall not include a requirement for acquisition of right-of-way by the school, unless the school
33 is owned by an entity that has eminent domain power. Any right-of-way costs incurred by a
34 school for required improvements pursuant to this section shall be reimbursed by the
35 Department of Transportation. The term "school," as used in this section, means any facility
36 engaged in the educational instruction of children in any grade or combination of grades from
37 kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance
38 law and includes charter schools authorized under G.S. 115C-218.5."

39 **SECTION 3.** Any rule or policy adopted by the Department of Transportation that
40 does not comply with the provisions of this act shall be null, void, and without effect.

41 **SECTION 4.** The Department of Transportation may adopt temporary rules to
42 implement the provisions of this act. Any temporary rules adopted in accordance with this
43 section shall remain in effect until permanent rules that replace the temporary rules become
44 effective.

45 **SECTION 5.** This act is effective when it becomes law.