



City Of Raleigh

NORTH CAROLINA

January 14th, 2015

Environmental Review Commission of the North Carolina General Assembly
NCGA Legislative Building
16 West Jones Street
Raleigh, North Carolina C 27601

Subject: Report to the Environmental Review Commission of the North Carolina General Assembly on
Implementation of S.L. 2014-120, Section 29: REFORM AGENCY REVIEW OF ENGINEERING WORK

Honorable Members of the Environmental Review Commission,

Pursuant to S.L. 2014-120, Section 29, the City of Raleigh, a municipality employing professional engineers as defined in G.S. 89C-3 and exercising delegated authority to implement approved review and permitting programs outside of areas covered by the North Carolina Building Code, herein provides full report of its compliance and implementation efforts associated with S.L. 2014-120, Section 29.

The City has several approved and delegated programs impacted by the requirements of S.L. 2014-120; these included the Sedimentation and Erosion Control program and Stormwater Utility program of City's Public Works Department, and the Water, Wastewater, Reclaimed Water and Cross-Connection Control design programs of the City's Public Utilities Department. Although exempted by S.L. 2014-120, the City's Transportation Design program under the Public Works Department has voluntarily elected to comply with the requirements of S.L. 2014-120.

Compliance Activities

S.L. 2014-120, section 29 identifies four areas of program realignment, which can be summarized as:

1. Identify "required" vs. "suggested" or "recommended" changes;
2. Develop procedures for the evaluation of innovative designs and practices;
3. Establish a dispute resolution process for changes required by the reviewing agency; and
4. Clarification of all working titles to comply with definitions found in G.S. 89C 3 for "Professional Engineer."

The City is now compliant with the terms and conditions of Section 29(b), Section 29(c) and Section 29(h) of S.L. 2014-120.

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)
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Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

(1) "Required" vs. "Suggested or Recommended" changes: All City of Raleigh delegated plan review programs have standardized procedures to identify the statutory or regulatory authority for any revisions or requests for additional information that are required by the program in order to grant the requested plan permit, approval, or license as required by S.L. 2014-120, Section 29.(b). The City uses the nomenclature of "recommended changes" in lieu of the term "suggested changes". All required changes identify the appropriate statutory or regulatory authority which include, but are not limited to:

- Part 10A (the Unified Development Ordinance or UDO), of the Raleigh Code of Ordinance;
- Part 6 (Central Engineering) of the Raleigh Code of Ordinances;
- Part 8 (Public Utilities) of the Raleigh Code of Ordinances;
- Part 11 (Transportation) of the Raleigh Code of Ordinances;
- The Raleigh Street Design Manual (RSDM) as adopted by the Raleigh City Council;
- The Raleigh Public Utilities Handbook (PU Handbook) as adopted by the Raleigh City Council;
- North Carolina Department of Environment and Natural Resources (NCDENR) Best Management Practices Design Manual.

The regulatory authorities noted above are based upon, and not inconsistent with, empowering General Statute and Administrative Code. Example comments have been included in Exhibit A for reference.

(2) Procedures for the evaluation of innovative designs and practices: All City of Raleigh delegated plan review programs have implemented procedures which allow a Professional Engineer to submit sealed designs or practices that are not found in the City's guidance, manuals, and standard operating procedures for possible inclusion as an "acceptable alternative" as required by S.L. 2014-120, Section 29.(c). The City also employs Professional Engineers who can conduct further review of innovative designs and review appeals of agency decisions as necessary. These procedures allow the submitting Professional Engineer to request additional internal review of the innovated design or practice as required by S.L. 2014-120, Section 29.(c)(1).

The Public Works Department has established a formal process through a documented Design Adjustment procedure. A webpage (link below) has been created to provide high level assistance in completing the application and the step-by-step process associated with the request. Section 10.2.18 of the Raleigh Code of Ordinance identifies the Public Works Director or a designee as the final arbiter of review design adjustments based on provisions and the applicable design adjustment findings.

<http://www.raleighnc.gov/services/content/PlanDev/Articles/DevServ/DesignAdjustments.html>.

For stormwater treatment practices that do not meet the North Carolina Department of Environment and Natural Resources (NCDENR) Best Management Practice Design Manual, applicants may request a variance from the City's Stormwater Management Advisory Commission (SMAC). Each request must demonstrate protection of water quality. The Design Adjustment Application for Public Works programs is included as Exhibit B for reference.

The Public Utilities Department has established an informal process for design adjustment consideration. All design submittals with design adjustment requests or innovative technology

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components are submitted by City review agents (Reviewer) to the Public Utilities Director or a designee as final arbiter of review design adjustments based on provisions and the applicable design adjustment findings. All design submittals are subjects of weekly review meetings involving the Public Utilities Director or his designee where appeals of review decisions are considered for final action.

(3) Established dispute resolution process: All City of Raleigh delegated plan review programs have implemented informal internal processes to address disputes when a Reviewer identifies a change to the plans as being "required" under a specific, identified legal authority, as required by S.L. 2014-120, Section 29.(c)(2).

All Submitting Parties are informed during Plan Review of their right to dispute "required" comments from the Reviewer. Initial appeals are referred to the Reviewer's supervisor for consideration. Appeal may be in writing, via a face-to-face meeting or a combination of both. Unresolved disputes are elevated to the Public Works Director, Public Utilities Director or their designees, who are Professional Engineers licensed in their respective fields of responsibility in North Carolina and the final arbiters of any dispute. The Reviewer remains involved during all levels of the appeal process.

(4) Clarification of all working titles: After detailed review, all City of Raleigh delegated plan review programs have discontinued use of the word "engineer" in the job titles of program employees whose responsibilities include review of plans in affected programs, as required by S.L. 2014-120, Section 29.(h). The City has elected to make no title distinction for employees who are Professional Engineers but instead notes that all such employees provide notice of their status as Professional Engineers in correspondence signature lines. Email signatures and business cards have been modified to reflect these changes.

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We would like to thank the Commission for the opportunity to make this report and will respectfully accept questions or inquiries at the pleasure of the Commission. Until then we remain,

Very Truly Yours,


Steve Berry, CET
Assistant Fire Marshal


Blair Hinkle, P.E.
Stormwater Program Manager


Robert Massengill, P.E.
Asst. Public Utilities Director


FOR Christopher W. McGee, P.E.
Transportation Field Services Manager

CC: Daniel F. McLawhorn, Associate City Attorney
John Robert Carman, Public Utilities Director
Richard Kelly, Interim Public Works Director
John T. McGrath, Fire Chief
Tansy Hayward, Assistant City Manager
Marchell Adams-David, Assistant City Manager
Jim Greene, Assistant City Manager

krw

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Exhibit A

Sample comments used during review

PU= City of Raleigh Public Utilities

WM= water meter

FHA= Fire hydrant assembly

S/W= Sidewalk

NCPE= North Carolina Professional Engineer

1. Off-site City of Raleigh Sanitary Sewer Easement must be recorded by deed prior to construction approval. Deed of Easement needs to be approved by COR Attorney's office - *PU Handbook pg 50*
2. Utility construction approval is required for this project, plans to be prepared by a NCPE - *PU Handbook pg 37 & pg 49*
3. No 3" meter sizes are allowed. Meter sizes are 5/8", 1", 1 1/2", 2", 4", 6", 8" or 10" with no exceptions. *PU Handbook pg 41*
4. Locate WMs & FHAs behind S/W inside ROW, or within a 3'x3' COR Utility Easement immediately adjacent to the right of way- *PU Handbook pg 39 & pg 41, details W-4 & W-23*
5. Existing utility services (unused) shall be abandoned at tap (main) & removed from ROW or easement - *PU Handbook pg 134 & pg 157*

Exhibit B

Design Adjustment Application



Planning & Development

**Public Works
Transportation Field Services**
One Exchange Plaza
Suite 300
Raleigh, NC 27602
www.raleighnc.gov

Public Works Design Adjustment Application

The purpose of this request is to seek a design adjustment from the Public Works Director for a specific project only and if granted may be given with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 of the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sections 8.3.6 and 8.4.1.E of the UDO.

Project	Project Name	
	Case Number	Transaction Number

Owner	Name		
	Address		City
	State	Zip Code	Phone

Applicant	Name		Firm
	Address		City
	State	Zip Code	Phone

***Applicant must be a Licensed Professional (Engineer, Architect, Surveyor, or Contractor)**

Design Adjustment Request	Code Section Referenced
	Justification

*Please include any additional supportive documents (Plan sheets, aerials, etc.) along with this application. It is the applicant's responsibility to provide all pertinent information required for consideration.

By signing this document I hereby acknowledge the information on this application is accurate to the best of my knowledge.

Owner/Owner's Representative Signature

Date

(Seal)

In witness whereof, the parties signed have executed this document on this date.

Notary Signature

Date