

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



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.