

1 19A NCAC 02C .0116 is adopted under temporary procedures with changes as follows:

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3 **19A NCAC 02C .0116 REIMBURSEMENT OF SCHOOLS FOR TRANSPORTATION IMPROVEMENTS**
4 **COMPLETED ON THE STATE HIGHWAY SYSTEM**

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6 (a) The school shall consult with the Department by contacting the Division of Highway, Highways, Division
7 Office, District Engineer governing the specific area in which the school is located to initiate reimbursement for
8 transportation improvements. Reimbursement of all costs associated with the Department's required transportation
9 improvements; approved school and transportation improvements, including costs of materials, equipment, and
10 labor, improvements shall be assessed for value consistent with similar Department transportation improvement
11 projects of the same type and size. projects. At no cost to the public, contact Contact information for each Division
12 Office may be accessed at <https://www.ncdot.gov/doh/divisions/>. Criteria for reimbursement are as follows:

13 (1) The school shall comply with all of the notification provisions to the Department set forth in be in
14 compliance with G.S. 136-18(29a);

15 (2) The school shall be open for the general instruction, specialized instruction, administration, or student
16 services and support of children in any grade or combination of grades, from kindergarten through the
17 twelfth grade;

18 (2) (3) The school shall provide the paid itemized invoices from the contractor of the work completed for
19 which it the school is requesting reimbursement; reimbursement, and the school shall be open for the
20 general instruction, specialized instruction, administration, or student services and support of children
21 in any grade or combination of grades, from kindergarten, or any other early childhood program,
22 [kindergarten] through the twelfth grade;

23 (3) (4) The Department shall provide to the school the option of securing the a written evaluation and written
24 recommendations from the Department within 60 days. days, and pursuant to G.S. 136-18(1) and G.S.
25 136-28.1, [days and in] In fulfilling this option, [option] the Department may engage a prequalified
26 traffic engineer to provide this the written evaluation evaluation. [and for the school however]
27 However nothing [herein] shall preclude the school from securing its own prequalified engineer.
28 [engineer.] Regardless of the option chosen, the written evaluation and recommendations shall be
29 prepared in compliance with G.S. 136-93.1A; G.S. 136-93.1A.; recommendation;

30 (4) (5) The school may request the Department to contract with and fund a specific, specific independent
31 traffic engineer, engineer [of the choosing of] chosen by the school, but any such engagement shall be
32 considered for approval on an individual basis and according to the Department's prequalification
33 process, standards; [standards.] If the requested engineer [being requested] is not on the prequalified
34 list. [list] the Department may take the [required] time to [properly] qualify that engineer and add him
35 or her to the prequalified list prior to the commencing of work on the evaluation. The process to
36 qualify an engineer in this [the] manner will occur when requested in writing by the school,
37 acknowledging that the evaluation period will not start until the requested engineer is qualified;
38 [extend the time period for the evaluation process;]

1 ~~(5)~~ (6) If the school ~~independently~~ hires a prequalified traffic engineer in lieu of an evaluation by the
2 Department, the Department shall only reimburse the costs of a completed independent traffic study
3 that quantifies the extent of a transportation problem or provides an analysis of a proposed
4 transportation solution for the selected school ~~site~~; ~~site~~ where the scope of the study is set by the
5 Department prior to commencing work on the study;

6 ~~(6)~~ (7) Reimbursement requests ~~regarding the independently hired traffic engineer~~ that exceed 10 percent of
7 the estimated costs of the improvements as determined by the Department based upon the scope of the
8 requirements for the specific project [and] average bid costs for work of similar type and scope shall
9 require written justification from the school for the increased cost;

10 ~~(7)~~ (8) Reimbursement requests for costs associated with the engineering design and independent traffic
11 engineering evaluation analytics utilized to determine the need for or execution of transportation
12 improvements that exceed 15 percent of the construction costs reimbursement request [as estimated
13 by the Department based on the costs] average construction cost for work of similar type and scope
14 shall require written justification from the school for the increased cost; and

15 ~~(8)~~ (9) The Department shall only provide reimbursement for those transportation improvements on a State
16 maintained roadway that are required by the Department. The requirements may include those
17 requested by any other [approving] reviewing authority so long as [they] the improvements are
18 confirmed as necessary requirements by the Department. Schools may [agree to] install improvements
19 that exceed those required by the [Department but in so doing] Department. However, the school shall
20 agree to pay for the costs of those additional improvements. Nothing herein requires the school to
21 agree to make any improvements beyond those that are required by the Department. that the
22 Department requires and any improvements completed on State maintained roadways required or
23 requested by entities other than the Department (neighborhoods, municipalities, counties) shall not be
24 subject to reimbursement by the Department. The school may request that the Department review
25 such transportation improvements to determine if they are within the allowances of G.S. 136-29 or
26 G.S. 136-29(a).

27 (b) Any independent traffic engineer who is completing this work for the Department or for a school shall be
28 prequalified by the Department in Work Codes 205 – School and Traffic Operations Studies and 252 – Traffic
29 Impact Studies. At no cost to the public, information Information on Department Work Codes and prequalification
30 may be accessed at <https://connect.ncdot.gov/business/Prequal/PrequalApp/Work%20Code%20Descriptions.pdf> and
31 <https://connect.ncdot.gov/business/Prequal/Pages/default.aspx>. The independent traffic engineer must follow all
32 written guidelines and standards for school studies and traffic impact analysis, and any deviation from such
33 standards shall be subject to the review and written approval of the Department's State Traffic Engineer or his or her
34 designee prior to completion of the study. The traffic study shall assess on-campus loading and unloading of both
35 carpools and, if in operation, and school buses. The study shall have recommendations to manage the school's on-
36 campus traffic queues at the entrance(s) to the school, and locations within the selected school site that impact the
37 State highway system. The independent traffic engineer shall have the scope of the study approved by the

1 ~~Department's~~ District Engineer prior to initiating the study. Pursuant to G.S. ~~160A-307.1, 160A-307.1~~ the
2 ~~independent traffic~~ engineer shall study those improvements that are eligible for reimbursement by the Department
3 or municipalities. ~~The independent traffic~~ engineer shall prepare the study in compliance with the time periods set
4 forth in G.S. 136-93.1A. Any traffic data collection activities will be conducted by a firm who is prequalified in
5 ~~Work Code 309 – Traffic Data Collection. [309.]~~ This work may be subcontracted to a qualified firm if the
6 ~~independent traffic~~ engineer is not prequalified in this area.

7 (c) Any new, relocated, or expanded schools that opened on or after August 1, 2017, and prior to the adoption of this
8 temporary rule, shall contact their respective District ~~Engineer~~ ~~Engineer's~~ Office to facilitate the request for
9 reimbursement for transportation improvements to the State highway system.

10 (d) A “temporary classroom facility” means any facility used for the general instruction, specialized instruction,
11 administration, or student services and support of ~~children in any grade or combination of grades from kindergarten~~
12 ~~through twelfth grade~~ on a temporary basis while awaiting completion of a school facilities project that will
13 permanently house students. Any school that must open a temporary classroom facility shall consult with ~~the~~ District
14 Engineer governing the specific area ~~in which where~~ the school is located. ~~Pursuant to G.S. 136-18(29a), the~~ ~~The~~
15 District Engineer shall provide a written evaluation and recommendation on whether the selected school site ~~and its~~
16 access points to the State highway system are in compliance with ~~G.S. 136-18(29a). State law.~~ Prior to selecting a
17 temporary classroom facility, the school may request ~~and, at no cost, and~~ the Department may review each of the
18 prospective temporary classroom facility sites to determine the transportation impacts to off-campus ~~activities.~~
19 ~~activities in view of factors that may influence the project's design or construction. The Department is charged to~~
20 ~~minimize the improvements needed for temporary classroom facility sites. Preliminary analysis and review of each~~
21 ~~site ensures minimal transportation impacts to off campus activities at the selected school site.~~ Any analysis
22 performed of the proposed temporary classroom facility sites shall not include transportation impacts associated
23 with on-campus activities.

24 (e) ~~The [Unless otherwise required by statutes the]~~ ~~The~~ Department shall consider the following ~~not to be~~
25 ~~reimbursable non-reimbursable~~ improvement expenses pursuant to ~~G.S. 136-18(29a). G.S. 136-18(29a):~~

- 26 (1) Improvements that exceed the Department's ~~requirements. requirements and standards.~~
- 27 (2) Any connection not on the State's right-of-way but instead on the school's property.
- 28 (3) Any improvements that the Department would not require as part of G.S. 136-18(29) or G.S. 136-
29 18(29a), such as sidewalks that do not connect to other networks or curb and gutter where the
30 Department has curb and gutter, unless ~~the Department requires such improvements~~ ~~required by the~~
31 ~~Department~~ on the driveway permit.
- 32 (4) Any on-campus transportation improvements required to manage traffic flow, parking, and routing
33 within the property limits of the ~~school, including, but not limited to,~~ ~~school~~ drop-off and pick-up
34 queuing, student and teacher parking, and loading dock expansions or relocations.
- 35 (5) New utilities required for the selected school site that are not directly associated with and impacting
36 its access points to the State highway ~~system. system and their compliance with State law.~~ The
37 school shall coordinate with the Department prior to the placement of any utilities in the State right-

1 of-way. ~~If, upon the school's own discretion, choice, or convenience, a new utility is placed at the~~
2 ~~selected school site and~~ ~~If the school chooses to place a new utility at the school site that~~ must be
3 moved for a transportation improvements, the Department shall not reimburse for the movement of
4 those utilities. The Department shall only provide reimbursements for existing utilities that require
5 relocation for transportation improvements.

6 (6) Any improvements to the State highway system that are part of a mixed-use development site that
7 also include a school where such improvements would be required if a school were not part of the
8 development. The Department shall first analyze the site without considering the ~~temporary~~
9 ~~classroom facility school facilities~~ and then analyze the site with the ~~temporary classroom facility~~
10 ~~school facilities~~ included. Any improvements that are not ~~directly associated~~ ~~necessitated by traffic~~
11 ~~from~~ ~~with~~ the ~~temporary classroom facility school facilities~~ shall not be reimbursable.

12 (7) Improvements made to the State highway system for developments planned for purposes other than a
13 school. Any additional improvement to the State highway ~~system~~ required by the conversion of
14 property to a school ~~may shall~~ be eligible; however, an additional school study may be required if the
15 Department has previously been approached and analyzed the site according to a non-school or non-
16 educational land use.

17 ~~(f) Where a new, relocated, or expanded school is located on a property that is only served by a municipal street that~~
18 ~~is not State-maintained, the school may request a review and final determination by the Department pursuant to G.S.~~
19 ~~160A-307.1 to assess whether the improvements required by the municipality exceed those required by G.S. 136-~~
20 ~~18(29).~~

21 ~~[(f) Where a new, relocated, or expanded school is located on a property that is only served by municipal street~~
22 ~~(non state maintained), per G.S. 160A 307.1 if a school wishes to have the Department assess if the required~~
23 ~~improvements by a municipality exceed those required by G.S. 136 18(29) they may request a review and final~~
24 ~~determination from the Department. In these cases, the Department will review the traffic study, the location and~~
25 ~~determine what the Department would require for the school. Based up G.S. 136 18(29a) and G.S. 160A 307.1, the~~
26 ~~Department requirements are final for all roadways state maintained as well as municipal maintained, and~~
27 ~~reimbursement is required to be paid by the entity maintaining the road.]~~

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29 *History Note: Authority G.S. 136-18(1); 136-18(29); G.S. 136-18(29a); 136-28.1, 136-93.1A; 160A-307.1;*
30 *Temporary Rule Eff. ~~March 1, 2018~~ February 23, 2018*