

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

(a) The school shall consult with the Department by contacting the Division of Highways, Division Office, District Engineer governing the specific area in which the school is located to initiate reimbursement for transportation improvements. Reimbursement of all costs associated with the Department's required transportation improvements shall be assessed for value consistent with Department transportation improvement projects of the same type and size. Contact information for each Division Office may be accessed at <https://www.ncdot.gov/doh/divisions/>. Criteria for reimbursement are as follows:

- (1) The school shall comply with all of the notification provisions to the Department set forth in G.S. 136-18(29a);
- (2) The school shall be open for the general instruction, specialized instruction, administration, or student services and support of children in any grade or combination of grades, from kindergarten through the 12th grade;
- (3) The school shall provide paid itemized invoices from the contractor of the work completed for which the school is requesting reimbursement;
- (4) The Department shall provide to the school the option of securing the written evaluation and written recommendations from the Department within 60 days. In fulfilling this option, the Department may engage a prequalified traffic engineer to provide the written evaluation. However nothing shall preclude the school from securing its own prequalified engineer. Regardless of the option chosen, the written evaluation and recommendations shall be prepared in compliance with G.S. 136-93.1A;
- (5) The school may request the Department to contract with and fund a specific independent traffic engineer chosen by the school, but any such engagement shall be considered for approval on an individual basis and according to the Department's prequalification process. If the requested engineer is not on the prequalified list, the Department may take the time to qualify that engineer and add him or her to the prequalified list prior to the commencing of work on the evaluation. The process to qualify an engineer in this manner will occur when requested in writing by the school, acknowledging that the evaluation period will not start until the requested engineer is qualified;
- (6) If the school hires a prequalified traffic engineer in lieu of an evaluation by the Department, the Department shall only reimburse the costs of a completed independent traffic study that quantifies the extent of a transportation problem or provides an analysis of a proposed transportation solution for the selected school site where the scope of the study is set by the Department prior to commencing work on the study;
- (7) Reimbursement requests that exceed 10 percent of the estimated costs of the improvements as determined by the Department based upon the scope of the requirements for the specific project shall require written justification from the school for the increased cost;
- (8) Reimbursement requests for costs associated with the engineering design and independent traffic engineering evaluation that exceed 15 percent of the construction costs reimbursement request shall require written justification from the school for the increased cost; and
- (9) The Department shall only provide reimbursement for those transportation improvements on a State maintained roadway that are required by the Department. The requirements may include those requested by any other reviewing authority so long as the improvements are confirmed as necessary requirements by the Department. Schools may install improvements that exceed those required by the Department. However, the school shall agree to pay for the costs of those additional improvements. Nothing herein requires the school to agree to make any improvements beyond those that are required by the Department.

(b) Any independent traffic engineer who is completing this work for the Department or for a school shall be prequalified by the Department in Work Codes 205 – School and Traffic Operations Studies and 252 – Traffic Impact Studies. Information on Department Work Codes and prequalification may be accessed at <https://connect.ncdot.gov/business/Prequal/PrequalApp/Work%20Code%20Descriptions.pdf> and <https://connect.ncdot.gov/business/Prequal/Pages/default.aspx>. The independent traffic engineer must follow all written guidelines and standards for school studies and traffic impact analysis, and any deviation from such standards shall be subject to the review and written approval of the Department's State Traffic Engineer or his or her designee prior to completion of the study. The traffic study shall assess on-campus loading and unloading of both carpoolers and school buses. The study shall have recommendations to manage the school's on-campus traffic queues at the entrance(s) to the school, and locations within the selected school site that impact the State highway

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

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

(d) A "temporary classroom facility" means any facility used for the general instruction, specialized instruction, administration, or student services and support of children in any grade or combination of grades from kindergarten through 12th grade on a temporary basis while awaiting completion of a school facilities project that will permanently house students. Any school that must open a temporary classroom facility shall consult with the District Engineer governing the specific area where the school is located. The District Engineer shall provide a written evaluation and recommendation on whether the selected school site access points to the State highway system are in compliance with G.S. 136-18(29a). Prior to selecting a temporary classroom facility, the school may request and the Department may review each of the prospective temporary classroom facility sites to determine the transportation impacts to off-campus activities. Any analysis performed of the proposed temporary classroom facility sites shall not include transportation impacts associated with on-campus activities.

(e) The Department shall consider the following non-reimbursable improvement expenses pursuant to G.S. 136-18(29a):

- (1) Improvements that exceed the Department's requirements.
- (2) Any connection not on the State's right-of-way but instead on the school's property.
- (3) Any improvements that the Department would not require as part of G.S. 136-18(29) or G.S. 136-18(29a), such as sidewalks that do not connect to other networks or curb and gutter where the Department has curb and gutter, unless required by the Department on the driveway permit.
- (4) Any on-campus transportation improvements required to manage traffic flow, parking, and routing within the property limits of the school drop-off and pick-up queuing, student and teacher parking, and loading dock expansions or relocations.
- (5) New utilities required for the selected school site that are not directly associated with and impacting its access points to the State highway system. The school shall coordinate with the Department prior to the placement of any utilities in the State right-of-way. If the school chooses to place a new utility at the school site that must be moved for transportation improvements, the Department shall not reimburse for the movement of those utilities. The Department shall only provide reimbursements for existing utilities that require relocation for transportation improvements.
- (6) Any improvements to the State highway system that are part of a mixed-use development site that also include a school where such improvements would be required if a school were not part of the development. The Department shall first analyze the site without considering the school facilities and then analyze the site with the school facilities included. Any improvements that are not necessitated by traffic from the school facilities shall not be reimbursable.
- (7) Improvements made to the State highway system for developments planned for purposes other than a school. Any additional improvement to the State highway system required by the conversion of property to a school shall be eligible; however, an additional school study may be required if the Department has previously been approached and analyzed the site according to a non-school or non-educational land use.

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

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