

1 19A NCAC 02C .0116 is proposed for adoption under temporary procedures as follows:
2

3 **19A NCAC 02C .0116 REIMBURSEMENT OF SCHOOLS FOR TRANSPORTATION IMPROVEMENTS**
4 **COMPLETED ON THE STATE HIGHWAY SYSTEM**
5

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

- 12 (1) The school shall be in compliance with 136-18(29a);
- 13 (2) The school shall provide the itemized invoices of the work completed for which it is requesting
14 reimbursement, and the school shall be open for the general instruction, specialized instruction,
15 administration, or student services and support of children in any grade or combination of grades,
16 from kindergarten, or any other early childhood program, through the twelfth grade;
- 17 (3) The Department shall provide a written evaluation and written recommendations within 60 days, and
18 pursuant to G.S. 136-18(1) and G.S. 136-28.1, the Department may engage a prequalified traffic
19 engineer to provide this written evaluation and recommendation;
- 20 (4) The school may request the Department to contract with and fund a specific, independent traffic
21 engineer, but any such engagement shall be considered for approval on an individual basis and
22 according to the Department's prequalification standards;
- 23 (5) If the school independently hires a prequalified traffic engineer in lieu of an evaluation by the
24 Department, the Department shall only reimburse the costs of a completed independent traffic study
25 that quantifies the extent of a transportation problem or provides an analysis of a proposed
26 transportation solution for the selected school site;
- 27 (6) Reimbursement requests regarding the independently hired traffic engineer that exceed 10% of the
28 average bid costs for work of similar type and scope shall require written justification from the school
29 for the increased cost;
- 30 (7) Reimbursement requests for costs associated with the engineering design and analytics utilized to
31 determine the need for or execution of transportation improvements that exceed 15% of the average
32 construction cost for work of similar type and scope shall require written justification from the school
33 for the increased cost; and
- 34 (8) The Department shall only provide reimbursement for those transportation improvements that the
35 Department requires and any improvements completed on State maintained roadways required or
36 requested by entities other than the Department (neighborhoods, municipalities, counties) shall not be
37 subject to reimbursement by the Department. The school may request that the Department review

1 such transportation improvements to determine if they are within the allowances of G.S. 136-29 or
2 G.S. 136-29(a).

3 (b) Any independent traffic engineer who is completing this work for the Department or for a school shall be
4 prequalified by the Department in Work Codes 205 – School and Traffic Operations Studies and 252 – Traffic
5 Impact Studies. At no cost to the public, information on Department Work Codes and prequalification may be
6 accessed at <https://connect.ncdot.gov/business/Prequal/PrequalApp/Work%20Code%20Descriptions.pdf> and
7 <https://connect.ncdot.gov/business/Prequal/Pages/default.aspx>. The engineer must follow all written guidelines and
8 standards for school studies and traffic impact analysis, and any deviation from such standards shall be subject to the
9 review and written approval of the State Traffic Engineer or his or her designee prior to completion of the study.
10 The traffic study shall assess on-campus loading and unloading of both carpoolers and, if in operation, school buses.
11 The study shall have recommendations to manage the school’s on-campus traffic queues at the entrance(s) to the
12 school, and locations within the selected school site that impact the State highway system. The engineer shall have
13 the scope of the study approved by the District Engineer prior to initiating the study. Pursuant to G.S. 160A-307.1
14 the engineer shall study those improvements that are eligible for reimbursement by the Department or
15 municipalities.

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

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

32 (e) The Department shall consider the following not to be reimbursable improvement expenses pursuant to G.S.
33 136-18(29a).

34 (1) Improvements that exceed the Department’s requirements and standards.

35 (2) Any connection not on the State’s right-of-way but instead on the school’s property.

36 (3) Any improvements that the Department would not require as part of G.S. 136-18(29) or G.S. 136-
37 18(29a), such as sidewalks that do not connect to other networks or curb and gutter where the

1 Department has curb and gutter, unless the Department requires such improvements on the driveway
2 permit.

3 (4) Any on-campus transportation improvements required to manage traffic flow, parking, and routing
4 within the property limits of the school, including, but not limited to, drop-off and pick-up queuing,
5 student and teacher parking, and loading dock expansions or relocations.

6 (5) New utilities required for the selected school site that are not directly associated with and impacting
7 its access points to the State highway system and their compliance with State law. The school shall
8 coordinate with the Department prior to the placement of any utilities in the State right-of-way. If,
9 upon the school's own discretion, choice, or convenience, a new utility is placed at the selected
10 school site and must be moved for a transportation improvements, the Department shall not reimburse
11 for the movement of those utilities. The Department shall only provide reimbursements for existing
12 utilities that require relocation for transportation improvements.

13 (6) Any improvements to the State highway system that are part of a mixed-use development site that
14 also include a school where such improvements would be required if a school were not part of the
15 development. The Department shall first analyze the site without considering the temporary
16 classroom facility and then analyze the site with the temporary classroom facility included. Any
17 improvements that are not directly associated with the temporary classroom facility shall not be
18 reimbursable.

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

24
25 *History Note: Authority G.S. 136-18(29); G.s. 136-18(29a)*

26 *Temporary Rule Eff. _____*