

House Bill 182 in the 2009 legislative session became a law and is effective October 1, 2009. This law requires Department of Transportation to establish a procedure to permit the installation of traffic tables and other traffic calming devices on state-maintained subdivision streets. The statute requires us to develop rules and prescribed five conditions the rules must contain.

- 1) A traffic engineering study must be approved by the department.
- 2) The installation of the devices must be within one of the following areas:
 - a) a subdivision with a home owners association; or
 - b) a neighborhood in which the property owners have established a contractual agreement outlining responsibility for the traffic calming device installed in the neighborhood.
- 3) The traffic calming devices are paid for and maintained by the subdivision HOA, its successor, or the neighborhood agreement.
- 4) The HOA has written support from at least 70 percent of member property owners, or the neighborhood agreement is signed by at least 70 percent of the property owners.
- 5) The HOA or the neighborhood agreement post a performance bond sufficient for the maintenance and removal of the traffic calming device(s). The bond shall remain in effect for a period of three years from the date of installation.

The law also requires that the devices must be approved by the department.

The following requirements and guidelines serve as the Departments guidance until further notice.

Eligible Roadways

State maintained roadways whose primary purpose is to provide access to residents. These will be sub regional tier roads. These roadways are typically fully contained within a subdivision or several subdivisions. For other roadways that do not meet this description, the Division Engineer must provide written approval of the roadway after consulting with the State Traffic Engineer and the Chief Engineers Office.

Eligible Traffic Calming Devices

The State Traffic Engineer will maintain a list of approved traffic calming devices allowed. Any devices or techniques not explicitly approved must be submitted for approval prior to installation on the state maintained system.

Unwarranted all-way stops or purposeful alternating stop controlled approaches shall not be used as a traffic calming technique. The use of all traffic control devices shall meet the MUTCD and for their intended purpose.

Traffic Study Requirements

The traffic study required by the general statute shall detail the following:

- 1) A complete description of the study area with applicable maps, photos, and list of property owners.
- 2) A thorough description of the problem that the neighborhood desires to remedy. This should include field data collected to show the magnitude of the problem. For example, if the concern is speeding in the neighborhood, then the study should show data from a completed speed study.
- 3) A description of the proposed traffic calming measures, and the locations where the neighborhood request to install such traffic calming devices. This shall include any additional signs, pavement markings and other traffic control devices.
- 4) A detailed cost of the proposed traffic calming device, the expected routine maintenance requirements, and an estimate of the cost to remove the devices.

It is desirable that the traffic study be completed under the supervision of a licensed professional engineer. Depending on the nature of the location, volume of the roadway or other traffic operating conditions, the Division may require that the study be completed and sealed by a professional traffic engineer.

Responsibilities

The requesting party is responsible for completing all the necessary actions in order for the Department to consider allowing traffic calming devices on state maintained roads. Failure to complete all necessary items will result in the Department denying the request and returning the material to the requesting party.

Responsibilities of the Neighborhood

The requesting neighborhood will be responsible for completing all the following requirements.

- 1) Contact the District Office in writing notifying the Department that the Home Owners Association or Neighborhood is requesting the placement of traffic calming devices on state maintained roads. The written notification should include the specific state maintained roadways.
- 2) Once the Department has responded providing a copy of the check sheet identifying all items that must be completed and notification if the particular road is eligible under G.S. 136-102.8. In addition the response from the Department will notify the requestor if a traffic study sealed by a professional engineer will be required.
- 3) Complete necessary traffic study.
- 4) Identify all member property owners in the Home Owners Association and/or neighbors that will be affected by proposed traffic calming devices. For neighborhoods that do not have a homeowners association, the property owners will be notified that they will be entering into a contractual agreement outlining that they will be financially responsible for the installation, maintenance, and removal if necessary, the approved traffic control device
- 5) Request and receive written approval of 70 percent or more of the property owner identified above.
- 6) Provide a copy of all correspondence where the requestor has notified the local fire department, local law enforcement, and local emergency medical service of the neighborhood's desire to install traffic calming devices on the state maintained roadways. The correspondence should request that each agency provide the requestor any concerns that they may have with the traffic calming device.
- 7) Complete and sign acknowledgement that if the request is approved and the devices are installed, the subject streets will be prioritized at the lowest level for snow removal. In most cases, the Department will likely not scrape these roads because the snow would have already melted.

Responsibilities of the Department

The District Engineer will be the approving authority and should consult with the Division Traffic Engineer on request to install traffic calming devices on state maintained roadways. The following are the responsibilities of the Department.

- 1) Once the District Office receives notification of a neighborhood's notification to install traffic calming devices on state maintained roadways, the District Engineer will determine if the roadway is eligible under G.S. 136-102.8.
- 2) If the road is not eligible, then the District Engineer will notify the requestor that the requested roadways are not eligible and the request is denied.
- 3) If the roadway is eligible, then the District Engineer will determine if a traffic study sealed by a licensed professional engineer is required.
- 4) The District Engineer will notify the requestor that they have received their request, notify if a sealed traffic study is required, and provide a link to the department's web page where they can find the requirements and check list of items that are required. (as of now, we are trying to work through a few to get a check list).
- 5) Review of completed materials and approve or deny.