

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 863

Short Title: Clarify DOT Driveway Permit Authority. (Public)

Sponsors: Representative W. Brawley (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Transportation.

April 15, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO
3 ISSUE, DENY, OR CONDITION DRIVEWAY CONNECTION PERMITS TO STREETS
4 AND HIGHWAYS ON THE STATE HIGHWAY SYSTEM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-18 reads as rewritten:

7 "§ 136-18. Powers of Department of Transportation.

8 The said Department of Transportation is vested with the following powers:

9 ...

10 (29) The Department of Transportation may establish policies and adopt rules
11 ~~about the size, location, direction of traffic flow, and the construction of~~
12 ~~driveway connections into regarding the issuance of street or driveway~~
13 ~~connection permits allowing construction of a connection to any street or~~
14 ~~highway which is a part of the State Highway System. The Department shall~~
15 ~~not be liable in damages for any injury to persons or property arising out of~~
16 ~~the issuance or denial of a street or driveway connection permit or for failure~~
17 ~~to regulate any street or driveway connection. The Department of~~
18 ~~Transportation may require the construction and public dedication of~~
19 ~~acceleration and deceleration lanes, and traffic storage lanes and medians by~~
20 ~~others for the driveway connections into any United States route, or North~~
21 ~~Carolina route, and on any secondary road route with an average daily traffic~~
22 ~~volume of 4,000 vehicles per day or more. Rules governing the issuance of~~
23 ~~driveway permits adopted by the Department under this subdivision shall~~
24 ~~require the Department to consider the following:~~

- 25 a. Public safety, including requirements that may be imposed upon the
26 proposed driveway to maintain public safety.
27 b. The prospective character of the development.
28 c. The traffic which will be generated by the development served by the
29 proposed driveway within the reasonably foreseeable future.
30 d. The design and frequency of access to the development.
31 e. The effect of the driveway upon drainage generally and the impact
32 on existing drainage systems.
33 f. The extent to which the development may impair the safety and
34 traffic carrying capacity of the existing State highway and any



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1 proposed improvement to that highway within the reasonably
2 foreseeable future.

3 g. Any standards governing access, non-access, or limited access which
4 have been established by the Department.

5 The Department shall not issue a permit unless all the requirements of this
6 subdivision and all rules adopted by the Department pursuant to this
7 subdivision are met, and in the judgment and discretion of the Department,
8 issuance of a permit will not adversely impact upon the safety and efficiency
9 of the State Highway System. If in the judgment of the Department, the
10 development resulting from grant of a driveway permit cannot be safely and
11 efficiently accommodated, it may deny a street or driveway connection
12 permit or condition issuance of the permit on the construction of any
13 improvements as it deems necessary to provide for safety, efficiency, or
14 congestion management on routes adjacent to and in the vicinity of the
15 property for which the driveway connection is sought. If in the Department's
16 judgment, current infrastructure cannot safely and efficiently accommodate
17 the development, the Department may withhold the street or driveway
18 connection permit until the infrastructure improvements necessary to address
19 safety and efficiency can be made. The Department may revoke a previously
20 issued permit if the holder of the permit fails to comply with the provisions
21 of the permit, this subdivision, or any rules adopted by the Department
22 pursuant to this subdivision.

23"

24 **SECTION 2.** This act becomes effective July 1, 2013.