

M E M O R A N D U M

October 27, 2016

TO: Planning, Housing and Economic Development Committee

FROM: Jeff Zyontz, Senior Legislative Analyst

SUBJECT: **Worksession 2: Expedited Bill 34-16, Streets and Roads - Design**

Expedited Bill 34-16, Streets and Roads - Design, sponsored by Lead Sponsor Planning, Housing and Economic Development Committee, was introduced on August 2. A Planning, Housing and Economic Development Committee worksession was held on September 12 and a public hearing was held on September 13. Testimony was submitted that recommended allowing permits to obstruct the right-of-way based on site plan approvals by Rockville or Gaithersburg.

Bill 34-16 would define certain terms in Chapter 49, establish a permit requirement for closing a private road, clarify provisions for permanent structures approved in a site plan and establish road design criteria. These changes proposed are initiated by revisions proposed in Subdivision Regulation Amendment (SRA) 16-01 and provides better coordination with Planning Board approvals.

Closing Private Roads

SRA 16-01 would specifically allow private roads under certain circumstances. Private road closures become a matter of public concern when the road provides the only means of access for emergency vehicles or when the closure by one owner of the road denies access to other properties. This is a current problem. As the potential for private roads increases, the need for a permit to close a private road increases. This a particular problem with urban roads.

Bill 34-16 would require a permit for the closure of any portion on the road. This would include lane closures.

Staff recommends revising Bill 34-16 to require a permit submitted by the road owner (not any person - see lines 5 and 53 of the staff draft on ©2 and 3) for closure for all urban private roads (not any private road - see lines 39-40 of the staff draft on ©15).

The Department of Permitting Services (DPS) recommends that Bill 34-16 require a fee, established as a Method 3 regulation, for road closure permits (see lines 60-61 of the staff draft on ©16).

Lane closures do not require an extensive temporary traffic control plan reviewed by the Department of Transportation (DOT) and DPS recommends revising the Bill to reflect that. DPS also recommends that lines 66-77 of the staff draft (©16) read as follows:

(e) Before the Director of Permitting Services issues a permit to close a private road in whole or in part under this Section, the Director of Transportation must review [[and approve]] or waive review each application [[for closure of a private road]] to ensure that closure will not adversely impact [[the area transportation network]] the use of connecting public roads. The Director of Transportation may recommend permit conditions to the Director of Permitting Services. [[approve]] The owner of a private road must submit a temporary traffic control plan that requires signage during closure to inform pedestrians about the duration of the closure, the permit number, and the owner's contact telephone number to call that address conditions of closure as may be required by the Director of Permitting Services.

Permanent structures in the right-of-way

The Planning Board has approved site plans that have required such structures as retaining walls, steps, and plazas in the right-of-way. Currently, there is not a clear mechanism to allow these structures without a franchise agreement. Bill 34-16 would provide a method to accommodate these structures to avoid another reason to make a street private (which would have no public right-of-way).

DPS recommended adding a definition of “streetscape” as follows:

Streetscape includes street furnishings, fixtures and elements in connection with public use of the right-of-way but does not include enclosed structures or vaults or improvements for private use. (see lines 23-26 of the staff draft on ©14)

The testimony received recommended treating site plans approved by the Cities of Rockville and Gaithersburg the same as Planning Board approved site plans (revising line 22 of the staff draft on ©14). In the absence of a change, the owner of an approved Rockville or Gaithersburg site plan, with structure's required in the public right-of-way, must seek a franchise agreement to do what the City required them to do. Staff is uncertain that this is a wise delegation of authority to the Cities, but it would be the Council prerogative to allow such a delegation.

Road Design

SRA 16-01 refers to design criteria in Chapter 49. Bill 34-16 as introduced provided detailed design specifications. Staff had thought that these standards were generally accepted but that does not appear to be the case. In any event, the Department of Transportation now recommends deleting the detailed specification. This would require deleting lines 62-64 and lines 72-122 in Bill 34-16 as introduced.

SRA 16-01 (starting at line 1386 in the SRA as introduced) has the following standards:

Private roads must be built to the construction specifications of the corresponding public road concerning paving detail and design data, including surface depth and structural design. The road must be designed in accordance with sound engineering principles for safe use including horizontal and vertical alignments for the intended target speed, adequate typical sections for vehicles, pedestrians, and bicyclists, compliance with the Americans with Disabilities Act, drainage and stormwater management facilities, intersection spacing and driveway locations, parking, lighting, landscaping or street trees, and utilities. The width and cross section of a private road must meet the right-of-way specified in a master plan or be equal to the corresponding public road standard unless modified by the Board. Private roads must conform to the horizontal alignment requirements of this Chapter.

Under SRA 16-01 (starting at line 1441, as introduced), a private engineer would be required to certify that the standards for a private road have been met.

Before the Board may approve a preliminary plan, the subdivider must have an engineer certify that each private road has been designed to meet the standards required by this Section. The subdivider must then certify to the Department of Permitting Services that all construction complies with the design before release of the surety for the road.

Editorial Changes

The attached revised Bill recommended by staff include various editorial changes that would not change the substance of Bill 34-16 as it was introduced.

This packet contains:	<u>Circle #</u>
Expedited Bill	1
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Expedited Bill No. 34-16
 Concerning: Streets and Roads – Design
 Revised: 7/27/2016 Draft No. 1
 Introduced: August 2, 2016
 Expires: February 2, 2018
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Planning, Housing, and Economic Development Committee

AN EXPEDITED ACT to:

- (1) clarify that certain permanent, nonstandard structures may be installed in the public right-of-way under certain circumstances;
- (2) require a permit to close any portion of a private road;
- (3) define certain terms;
- (4) establish road design criteria; and
- (5) generally amend County law regarding rights-of-way and streets and roads.

By amending

Montgomery County Code
 Chapter 49, Streets and Roads
 Sections 49-1, 49-11, 49-26 and 49-33

And adding

Section 49-11A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 49-1, 49-11, 49-26 and 49-33 are amended as follows:

49-1. Compliance with standards; regulations; penalty for violations.

* * *

(b) The closure of any private road must meet the standards and requirements of Chapter 22, and a person must obtain a permit from the Department of Permitting Services under Section 49-11A.

(c) The County Executive may issue regulations under method (2) to implement this Chapter, except where a different method is specified.

[(c)] (d) Any violation of this Chapter or any regulation issued under it is a Class B violation, except when expressly provided otherwise.

49-11. Permit to obstruct public rights-of-way.

(a) Unless this Section prohibits the issuance of a permit, the Director of Permitting Services may issue a permit to:

* * *

(3) install a temporary, removable obstruction or occupation of a right-of-way; [or]

(4) close a curb lane, sidewalk, or shared use path in conjunction with the construction or reconstruction of an abutting structure[.]; or

(5) install permanent, nonstandard structures in the right-of-way that were approved as a site element of streetscape under Chapter 59, Section 7.3.4. The permit applicant must execute a declaration of covenants that runs with the land to perpetually maintain the permanent, nonstandard structure in a good and safe condition; return the right-of way to its condition before the nonstandard structure was installed if the nonstandard structure is removed; and indemnify the County from any cost or liability associated

28 with the construction, maintenance, use or removal of the
29 nonstandard structure.

30 * * *

31 **49-11A. Permit to obstruct private roads.**

32 (a) A person must not close any portion of a private road without a permit
33 from the Director of Permitting Services.

34 (b) The Director of Permitting Services may issue a permit for the complete
35 or partial closure of a private road if the closure does not:

36 (1) violate Chapter 22;

37 (2) unreasonably impede the use of the private road by persons in
38 wheelchairs;

39 (3) unreasonably impede or endanger the users of any building or
40 structure adjacent to or abutting the private road; or

41 (4) adversely impact the area transportation network.

42 (c) A person must apply for a permit on a form prescribed by the Director
43 of Permitting Services, submit detailed plans and specifications,
44 including the locations and use and occupancy of all buildings or
45 structures adjacent to or abutting the private road, and any additional
46 information as the Director may require.

47 (d) The Director of Permitting Services must include conditions in each
48 permit that provide for the safety of any user of a building or structure
49 adjacent to or abutting the private road, including providing for safe
50 alternate access to and egress from any building or structure.

51 (e) Before the Director of Permitting Services issues a permit to close a
52 private road in whole or in part under this Section, the Director of
53 Transportation must review and approve each application for closure of
54 a private road to ensure that closure will not adversely impact the area

55 transportation network. The Director of Transportation must approve a
56 temporary traffic control plan that requires signage during closure to
57 inform pedestrians about the duration of the closure, the permit number,
58 and the contact telephone number to call.

59 **49-26. Definitions.**

60 In this Chapter, except where specified otherwise, the following words and
61 phrases have the meanings indicated:

62 AASHTO: The American Association of State Highway and Transportation
63 Officials. The guidelines in the 2011 (6th edition) of “A Policy on Geometric
64 Design of Highways and Streets” manual, as revised from time to time.

65 * * *

66 Private Road: Any street, highway, avenue, lane, alley, or viaduct, or any
67 segment of any of them, including any pedestrian walkway adjacent to the
68 private road that has not been deeded, dedicated or otherwise permanently
69 appropriated to the public for public use.

70 **49-33. Road Design and Construction requirements.**

71 * * *

72 (n) Requirements for Profiles Submitted for Approval to the Department of
73 Permitting Services. Design requirements are:

74 (1) An applicant must use the vertical curve guidance in the current
75 edition of the AASHTO, as modified below, for designing
76 roadway profiles.

77 (2) The “Target Speed” for the proposed road as determined by this
78 Chapter, Executive Regulation, or the applicable master plan,
79 must be used as the “Design Speed” referred to in AASHTO.
80 Unless otherwise specified in a master plan or the approved

81 capital improvements program, the maximum target speed for a
 82 road in an urban area is 25 mph.

83 (3) Landing grades must be provided at all arterial roads and primary
 84 residential streets, using a 2% slope down from the center line of
 85 the road intersected to a point along the gutter line, then a 2%
 86 slope up, providing a low point at the gutter line of the intersected
 87 arterial road or primary residential street and a short tangent
 88 grade of 2% rising to the point of tangent for the fillet curve at
 89 the intersection.

90 (4) Landing grades to secondary residential roads may be provided
 91 with a cross slope of 4% or less. Landing grades to tertiary
 92 residential roads may be provided with a cross slope of exceed
 93 6% or less.

94 (5) The grades for arterial roads and primary residential streets must
 95 be 4% or less at any intersection with other roads.

96 (6) The grades for arterial roads and primary residential roads must
 97 be 8% or less, except where short theoretical tangent projections
 98 for vertical curves require a greater grade.

99 (7) The grades for secondary residential streets must be 10% or less,
 100 except where short theoretical projections for vertical curves
 101 require a greater grade.

102 (8) Maximum grades for tertiary residential streets are as follows:
 103 (A) Where parking abuts the road - 10%
 104 (B) In any case - 14%
 105 (C) Elsewhere, for a length of 200 feet or less (but not within
 106 200 feet of a secondary or primary residential street nor
 107 within 250 feet of arterial or higher classification) - 12%”

- 108 (9) The minimum length for any crest or sag vertical curve is 50 feet.
- 109 (10) The calculated minimum curve lengths may be adjusted, with
- 110 approval from the Department of Permitting Services, to satisfy
- 111 unique site conditions or design constraints.

* * *

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Approved:

Nancy Floreen, President, County Council	Date
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Approved:

Isiah Leggett, County Executive	Date
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This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council	Date
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LEGISLATIVE REQUEST REPORT

Expedited Bill 34-16
Streets and Roads - Design

DESCRIPTION:	Expedited Bill 34-16 would define certain terms in Chapter 49, establish a permit requirement for closing a private road, clarify provisions for permanent structures approved in a site plan and establish road design criteria.
PROBLEM:	Proposed changes in Subdivision Regulation Amendment (SRA) 16-01 require amending Chapter 49. The current chapter lacks provisions for closing private roads, road design standards, and permanent structures in the public right of way.
GOALS AND OBJECTIVES:	The goal of Bill 34-16 is to coordinate proposed changes to Chapter 50 and Chapter 59.
COORDINATION:	Department of Transportation, Department of Permitting Services, and the Planning Department
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Department of Transportation, Department of Permitting Services, and the Planning Department
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Violations of Section 49-11 are treated as a class A violation.

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ROCKVILLE, MARYLAND

MEMORANDUM

September 16, 2016

TO: Nancy Floreen, President, County Council

FROM: *for* Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance *Jennifer R. Bryant*

SUBJECT: FEIS for Bill 34-16E, Streets and Roads - Design

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Jenni Nordin, Office of Management and Budget
Naeem Mia, Office of Management and Budget

**Fiscal Impact Statement
Council Bill 34-16E
Streets and Roads - Design**

1. Legislative Summary

This bill defines certain terms in Chapter 49, establishes a permit requirement for closing a private road, and clarifies provisions for permitting of non-standard streetscape in the public right of way. This bill relates to revisions proposed in Subdivision Regulation Amendment (SRA) 16-01.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Revenues: The Department of Permitting Services (DPS) will establish permit fees to cover the estimate of DPS expenditures. The fees will be established by Executive Regulation. Revenues will be dependent on the volume of permits.

Expenditures: DPS estimates 500 permits¹ may be issued for partial or complete private road closures per year. The Department of Transportation (DOT) and DPS will absorb costs associated with staff time to review, process, and issue permits. Expenditures will be dependent on the volume of permits and type of closure.

Expenditures by Type of Closure:

Type of Closure	Expected Count	Impact to DOT		Impact to DPS	
Single lane, short-term	400	N/A	0 FTEs \$0	100 hours Permit Technician 100 hours Plan Review 400 hours ROW Inspection	0.05FTEs \$3,700 0.05FTEs \$5,200 0.19FTEs \$18,000
Long-term or sidewalk	50	60 hours Plan Review	0.3 FTE \$3,600	12.5 hours Permit Technician 75 hours Fire Safety Review 500 hours ROW Inspection	0.01FTEs \$463.00 0.04FTEs \$3,900 0.24FTEs \$22,500
Full road	50	240 hours Plan Review	0.12 FTEs \$14,400	25 hours Permit Technician 100 hours Fire Safety Review 200 hours Fire Marshall Inspection	0.01FTEs \$925.00 0.05FTEs \$5,200 0.10FTEs \$9,000

¹ DPS estimation is based on DOT approved public road and lane closures and a trend in private road closures.

Type of Closure	Expected Count	Impact to DOT		Impact to DPS	
Total	500	300 hours Plan Review	0.15FTEs \$18,000	137.5 hours Permit Technician	0.07FTEs \$5,088
				100 hours Plan Review	0.05FTEs \$5,200
				175 hours Fire Safety Review	0.08FTEs \$9,100
				900 hours ROW Inspection	0.43FTEs \$40,500
				200 hours Fire Marshal Inspection	0.10FTEs \$9,000
				160 hours IT Reconfiguration	0.07FTEs \$9,120
		Grand Total	0.15FTEs \$18,000	Grand Total	0.80 FTEs \$78,008

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See Question 2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

DPS expects 160 work-hours will be needed to reconfigure Hansen and Apply Online IT systems.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

DPS expects additional staff work-hours for processing, plan reviews, inspections and IT reconfiguration. DOT expects additional staff work-hours for plan reviews. See Question #2 for additional detail.

8. An explanation of how the addition of new staff responsibilities would affect other duties.
Absorption of additional work may increase processing times or overtime use.

9. An estimate of costs when an additional appropriation is needed.
Not applicable.

10. A description of any variable that could affect revenue and cost estimates.
Revenues are dependent on the volume of permits.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.
Revenues and expenditures are dependent on the volume and type.

12. If a bill is likely to have no fiscal impact, why that is the case.
Not applicable.

13. Other fiscal impacts or comments.
Not applicable.

14. The following contributed to and concurred with this analysis:

DPS: Rick Brush, Linda Kobylski, Atiq Panjshiri, Ehsan Motazed, Diane Schwartz Jones

DOT: Bruce Johnston, Dan Sanayi, Al Roshdieh

OMB: Jennifer Nordin, Brady Goldsmith


Jennifer A. Hughes, Director
Office of Management and Budget

9/12/12
Date

Economic Impact Statement
Expedited Bill 34-16, Streets and Roads – Design

Background:

This legislation would:

- define certain terms in Chapter 49 of the County Code;
- require a permit to close any portion of a private road;
- clarify that certain permanent, nonstandard structures may be installed in the public right-of-way under certain circumstances; and
- establish road design criteria.

1. The sources of information, assumptions, and methodologies used.

The source of information includes the Department of Transportation (DOT). The Department of Finance (Finance) did not make any assumptions or used any methodologies in the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Expedited Bill 34-16 would have no significant economic impact on employment, spending, savings, investment, incomes, and property values in the County. Section 49-33 of the County Code is amended to specify construction requirements and road design. While the amendment may add constructions costs to road projects, it is uncertain without specific data what the amount of such costs will be.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraph #3.

5. The following contributed to or concurred with this analysis: David Platt, Mary Casciotti, and Robert Hagedoorn, Finance; Brady Goldsmith, OMB.



Alexandre A. Espinosa, Director
Department of Finance

9/8/2016
Date

Expedited Bill No. 34-16
Concerning: Streets and Roads – Design
Revised: 10/26/2016 Draft No. 4
Introduced: August 2, 2016
Expires: February 2, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Planning, Housing, and Economic Development Committee

AN EXPEDITED ACT to:

- (1) clarify that certain permanent, nonstandard structures may be installed in the public right-of-way under certain circumstances;
- (2) require a permit to close any portion of a private road;
- (3) define certain terms; and
- (4) **[[establish road design criteria; and]]**
- (5) generally amend County law regarding rights-of-way and streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-1, 49-11, 49-26 and 49-33

And adding

Section 49-11A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
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[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 49-1, 49-11, 49-26 and 49-33 are amended as follows:

49-1. Compliance with standards; regulations; penalty for violations.

* * *

(b) The closure of any private road must meet the standards and requirements of Chapter 22, and [[a person]] the owner of the private road must obtain a permit from the Department of Permitting Services if required under Section 49-11A.

(c) The County Executive may issue regulations under method (2) to implement this Chapter, except where a different method is specified.

[(c)] (d) Any violation of this Chapter or any regulation issued under it is a Class B violation, except when expressly provided otherwise.

49-11. Permit to obstruct public rights-of-way.

(a) Unless this Section prohibits the issuance of a permit, the Director of Permitting Services may issue a permit to:

* * *

(3) install a temporary, removable obstruction or occupation of a right-of-way; [or]

(4) close a curb lane, sidewalk, or shared use path in conjunction with the construction or reconstruction of an abutting structure[.]; or

(5) install permanent, nonstandard structures in the right-of-way that were approved in a site plan as a site element of streetscape [[under Chapter 59, Section 7.3.4]]. Streetscape includes street furnishings, fixtures and elements in connection with public use of the right-of-way but does not include enclosed structures or vaults or improvements for private use. The permit applicant must execute a declaration of covenants that runs with the land

28 on which the project associated with the streetscape is being
 29 developed to perpetually maintain the [[permanent, nonstandard
 30 structure]] permitted streetscape in a good and safe condition;
 31 return the right-of way to its condition before the [[nonstandard
 32 structure]] permitted streetscape was installed if the nonstandard
 33 [[structure]] permitted streetscape is removed; and indemnify the
 34 County from any cost or liability associated with the
 35 construction, maintenance, use or removal of the nonstandard
 36 [[structure]] permitted streetscape.

37 * * *

38 **49-11A. Permit to temporarily obstruct private roads.**

39 (a) A person must not close any portion of a private road that is an urban
 40 road as defined in Section 49-32 without a permit from the Director of
 41 Permitting Services.

42 (b) The Director of Permitting Services may issue a permit for the complete
 43 or partial closure of a private road on a temporary basis if the closure
 44 does not:

45 (1) violate Chapter 22;

46 (2) unreasonably [[impede the]] interfere with use of the private road
 47 by persons [[in wheelchairs]] with disabilities;

48 (3) unreasonably impede or endanger the users of any building or
 49 structure adjacent to or abutting the private road; or

50 (4) adversely impact the [[area transportation network]] use of
 51 connecting public roads.

52 (c) [[A person]] An application to close a private road may only be made
 53 by the owner of the private road. The owner must apply for a permit
 54 on a form prescribed by the Director of Permitting Services, submit

55 detailed [[plans and specifications]] information, including the
 56 locations to be closed, duration of closure, location of required
 57 temporary closure signs, purpose of closure, and use and occupancy of
 58 all buildings or structures adjacent to or abutting the private road, and
 59 any additional information as the Director may require.

60 (d) The Director of Permitting Services [[must]] may charge a fee, set by
 61 Method 3 regulation, for the permit application and may include
 62 conditions in each permit that provide for the safety of any user of a
 63 building or structure adjacent to or abutting the private road, including
 64 providing for safe alternate access to and egress from any building or
 65 structure.

66 (e) Before the Director of Permitting Services issues a permit to close a
 67 private road in whole or in part under this Section, the Director of
 68 Transportation must review [[and approve]] or waive review each
 69 application [[for closure of a private road]] to ensure that closure will not
 70 adversely impact [[the area transportation network]] the use of
 71 connecting public roads. The Director of Transportation may
 72 recommend permit conditions to the Director of Permitting Services.
 73 [[approve]] The owner of a private road must submit a temporary traffic
 74 control plan that requires signage during closure to inform pedestrians
 75 about the duration of the closure, the permit number, and the owner's
 76 contact telephone number to call that address conditions of closure as
 77 may be required by the Director of Permitting Services.

78 * * *

79 **49-26. Definitions.**

80 In this Chapter, except where specified otherwise, the following words and
 81 phrases have the meanings indicated:

82 [[AASHTO: The American Association of State Highway and Transportation
83 Officials. The guidelines in the 2011 (6th edition) of “A Policy on Geometric
84 Design of Highways and Streets” manual, as revised from time to time.]]

85 * * *

86 Private Road: Any street, highway, avenue, lane, alley, or viaduct, or any
87 segment of any of them, including any pedestrian walkway adjacent to the
88 private road that has not been deeded, dedicated or otherwise permanently
89 appropriated to the public for public use.

90 * * *

91 **49-33. Road [[Design]] and Construction requirements.**

92 * * *

93 [[n) Requirements for Profiles Submitted for Approval to the Department of
94 Permitting Services. Design requirements are:

95 (1) An applicant must use the vertical curve guidance in the current
96 edition of the AASHTO, as modified below, for designing
97 roadway profiles.

98 (2) The “Target Speed” for the proposed road as determined by this
99 Chapter, Executive Regulation, or the applicable master plan,
100 must be used as the “Design Speed” referred to in AASHTO.
101 Unless otherwise specified in a master plan or the approved
102 capital improvements program, the maximum target speed for a
103 road in an urban area is 25 mph.

104 (3) Landing grades must be provided at all arterial roads and primary
105 residential streets, using a 2% slope down from the center line of
106 the road intersected to a point along the gutter line, then a 2%
107 slope up, providing a low point at the gutter line of the intersected
108 arterial road or primary residential street and a short tangent

109 grade of 2% rising to the point of tangent for the fillet curve at
110 the intersection.

111 (4) Landing grades to secondary residential roads may be provided
112 with a cross slope of 4% or less. Landing grades to tertiary
113 residential roads may be provided with a cross slope of exceed
114 6% or less.

115 (5) The grades for arterial roads and primary residential streets must
116 be 4% or less at any intersection with other roads.

117 (6) The grades for arterial roads and primary residential roads must
118 be 8% or less, except where short theoretical tangent projections
119 for vertical curves require a greater grade.

120 (7) The grades for secondary residential streets must be 10% or less,
121 except where short theoretical projections for vertical curves
122 require a greater grade.

123 (8) Maximum grades for tertiary residential streets are as follows:

124 (A) Where parking abuts the road - 10%;

125 (B) In any case - 14%; and

126 (C) Elsewhere, for a length of 200 feet or less (but not within
127 200 feet of a secondary or primary residential street nor
128 within 250 feet of arterial or higher classification) - 12%”.

129 (9) The minimum length for any crest or sag vertical curve is 50 feet.

130 (10) The calculated minimum curve lengths may be adjusted, with
131 approval from the Department of Permitting Services, to satisfy
132 unique site conditions or design constraints.]]

133 * * *

134 **Sec. 2. Expedited Effective Date.**

135 The Council declares that this legislation is necessary for the immediate
136 protection of the public interest. This Act takes effect on the date on which it becomes
137 law.

138 *Approved:*

139

140

Nancy Floreen, President, County Council

Date

141 *Approved:*

142

Isiah Leggett, County Executive

Date

143 *This is a correct copy of Council action.*

144

Linda M. Lauer, Clerk of the Council

Date

DRAFT