

MEMORANDUM

November 10, 2016

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

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

Planning, Housing and Economic Development Committee recommendation (3-0):
enact Bill 34-16 with the amendments detailed below.

The Committee further recommends an effective date of February 13, 2017. This date would match the proposed effective date of SRA 16-01.

Expedited Bill 34-16, Streets and Roads - Design, sponsored by Lead Sponsor Planning, Housing and Economic Development Committee, was introduced on August 2. A public hearing was held on September 13. There were no speakers at that public hearing. Testimony was submitted that recommended allowing permits to obstruct the right-of-way based on site plan approvals by Rockville or Gaithersburg. Planning, Housing and Economic Development Committee worksessions were held on September 12 and October 31, 2016.

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.

Issues and recommended amendments

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.

The Committee recommends revising Bill 34-16 to require a permit submitted by the road owner (not any person - see lines 5 and 52 of the Committee draft on ©14 and 15) for closure for all urban private roads (not any private road - see lines 39-40 of the Committee draft on ©15).

The Department of Permitting Services (DPS) recommended and the Committee agreed that Bill 34-16 should require a fee, established as a Method 3 regulation, for road closure permits (see lines 60-61 of the Committee 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 recommended that lines 66-77 of the Committee 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.

The Committee agreed.

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).

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 Committee 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. The Committee was satisfied that DPS retained the issue, or not issue a permit in the right-of-way, and agreed to recommend an amended Bill to allow a right-of-way permit based on a Rockville or Gaithersburg approved site plan.

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 Committee draft on ©14)

The Committee agreed with this amendment.

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, DOT now recommends deleting the detailed specification and the Committee agreed. This would require deleting lines 62-64 and lines 72-111 in Bill 34-16 as introduced.

Editorial Changes

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

This packet contains:

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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.

112 * * *

113 **Sec. 2. Expedited Effective Date.**

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

117 *Approved:*

118 _____
119 Nancy Floreen, President, County Council Date

120 *Approved:*

121 _____
Isiah Leggett, County Executive Date

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

123 _____
Linda M. Lauer, Clerk of the Council Date

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.



ROCKVILLE, MARYLAND

MEMORANDUM

September 16, 2016

TO: Nancy Floreen, President, County Council

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

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.

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

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

9/12/16
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.

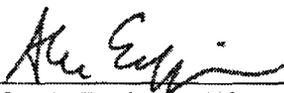
3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

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: 11/3/2016 Draft No. 5
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>
[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]] 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 by the Planning Board, the City of Rockville, or the City of Gaithersburg 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

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

38 * * *

39 **49-11A. Permit to temporarily obstruct private roads.**

- 40 (a) A person must not close any portion of a private road that is an urban
 41 road as defined in Section 49-32 without a permit from the Director of
 42 Permitting Services.
- 43 (b) The Director of Permitting Services may issue a permit for the complete
 44 or partial closure of a private road on a temporary basis if the closure
 45 does not:
- 46 (1) violate Chapter 22;
- 47 (2) unreasonably [[impede the]] interfere with use of the private road
 48 by persons [[in wheelchairs]] with disabilities;
- 49 (3) unreasonably impede or endanger the users of any building or
 50 structure adjacent to or abutting the private road; or
- 51 (4) adversely impact the [[area transportation network]] use of
 52 connecting public roads.
- 53 (c) [[A person]] An application to close a private road may only be made
 54 by the owner of the private road. The owner must apply for a permit

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

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

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

79 * * *

80 **49-26. Definitions.**

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

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

86 * * *

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

91 * * *

92 **49-33. Road [[Design]] and Construction requirements.**

93 * * *

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

- 96 (1) An applicant must use the vertical curve guidance in the current
97 edition of the AASHTO, as modified below, for designing
98 roadway profiles.
- 99 (2) The “Target Speed” for the proposed road as determined by this
100 Chapter, Executive Regulation, or the applicable master plan,
101 must be used as the “Design Speed” referred to in AASHTO.
102 Unless otherwise specified in a master plan or the approved
103 capital improvements program, the maximum target speed for a
104 road in an urban area is 25 mph.
- 105 (3) Landing grades must be provided at all arterial roads and primary
106 residential streets, using a 2% slope down from the center line of
107 the road intersected to a point along the gutter line, then a 2%

108 slope up, providing a low point at the gutter line of the intersected
 109 arterial road or primary residential street and a short tangent
 110 grade of 2% rising to the point of tangent for the fillet curve at
 111 the intersection.

112 (4) Landing grades to secondary residential roads may be provided
 113 with a cross slope of 4% or less. Landing grades to tertiary
 114 residential roads may be provided with a cross slope of exceed
 115 6% or less.

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

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

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

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

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

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

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

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

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

134 * * *

