

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 863  
Apr 11, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH80273-MH-162 (03/26)

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

Sponsors: Representative W. Brawley.

Referred to:

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  
35 proposed improvement to that highway within the reasonably  
36 foreseeable future.



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

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

21 ...."

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