



TECHNICAL REPORT: PROPOSED MEMORANDUM OF UNDERSTANDING AND AGREEMENTS FOR PEDESTRIAN/BICYCLE PATH ON HIGH SCHOOL ROAD

PURPOSE

The purpose of this report is to provide additional information regarding the Staff recommendation that the Town and Chapel Hill-Carrboro City Schools (the Schools) share the cost of revised improvements proposed for High School Road in connection with the Chapel Hill High School redevelopment project and the proposed future construction of the Schools' Maintenance facility.

The Town's share of the cost of the modified pedestrian/bicycle improvements would be one-half of the actual cost of the work, not to exceed \$200,000.

BACKGROUND

Maintenance Building Special Use Permit Modification

1. On [May 22, 2017](#)¹, the Town Council approved a special use permit modification to authorize construction of the Transit Maintenance Building on the north side of High School Road, adjacent to the current bus parking lot and maintenance facilities.
2. The permit called for construction to begin by May 2019 and to be completed by May 2021. That permit was issued in August 2017 and recorded in November 2017. The Town Manager granted a one year extension of that permit earlier this year. The project has not been started.
3. The Maintenance Building permit requires that the Schools make a payment-in-lieu of construction of a bicycle lane along High School Road from Seawell School Road to Homestead Road. It provides that the payment would be returned if the improvement was otherwise provided as part of the future redevelopment of the High School on the south side of High School Road.
4. This permit also requires that the Schools complete the sidewalk along the north side of High School Road from its current western terminus to Seawell School Road.

High School Special Use Permit Modification

1. On [May 23, 2018](#)², the Town Council approved a special use permit modification to authorize major redevelopment of the Chapel Hill High School on the south side of High School Road.
2. The permit called for construction to begin by May 2020 and to be completed by May 2023. Work on this project is underway.
3. The High School permit requires a number of road improvements including:
 - a. A dedicated right-turn lane from northbound Homestead Road onto High School Road.
 - b. Bicycle lanes and sidewalks along the entire length of High School Road.
 - c. A left turn lane from eastbound High School Road onto northbound Seawell School Road.

¹ https://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=3137&meta_id=163906

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3508303&GUID=5BB3BFB2-683F-4CB5-AB28-B28822D8C302&Options=&Search=>

The permit also requires installation of a transit shelter at the bus stop next to the High School.

State Law

1. Session Law 2017-57, entitled the "Current Operations Appropriations Act of 2017", clarified the authority and responsibility of the State and municipalities with respect to street improvements related to schools.
2. The Session Law was effective July 1, 2017.
3. Under this law, any road improvements to State roads associated with a school project required by the State to be constructed by a school system are to be reimbursed by the State Department of Transportation.
4. Under this law any road improvements to municipal streets associated with a school project required by the municipality to be constructed by a school system are to be reimbursed by the municipality.
5. The Maintenance Building project does not fall within the definition of a school under this law.

State Roads

All three roads surrounding the Maintenance Building project and the High School project (High School Road, Homestead Road and Seawell School Road) are State roads.

Communications from DOT

1. In April 2018, the Town planning staff received a letter from the State Department of Transportation commenting on the High School expansion project.
2. That letter stated that the State would require and pay for the left turn lane from eastbound High School Road onto northbound Seawell School Road.
3. Subsequent communications between DOT and Town Staff indicates that DOT will also, in an upcoming project year, pay for and construct a right-turn lane from northbound Homestead Road onto High School Road.

DISCUSSIONS WITH SCHOOL SYSTEM

Over the past few months administrative and legal representatives from the Schools and the Town have been in conversation and meetings regarding these two permits in an effort to resolve differences regarding the status of these two permits and the responsibilities of the Schools and the Town with respect to the off-site improvements called for in the two special use permits.

Based on those conversations, we now are recommending adjustments to both permits and sharing of costs of the modified required road improvements.

Specifically, we are recommending the following:

Adjustments to High School Special Use Permit

We are recommending that the staff approve a minor modification to the High School Special Use permit as explained below.

Under the permit as currently approved, it would be necessary to remove the existing sidewalk, curb and gutter to install a bike lane on the south side of High School Road. Subsequently, new curb and gutter and a new sidewalk would need to be installed.

As an alternative, we recommend that the existing curb and gutter and sidewalk remain in place. The existing sidewalk would be widened and converted into an off-road facility (multi-use path) for both pedestrians and cyclists. This would reduce the cost of the improvements on the south side of High School Road by an estimated \$250,000.

The cost of the revised plans for the south side of High School Road, together with the bus shelter, is estimated to be \$400,000 to \$425,000. Our recommendation is that Town agree to pay for one half of the actual cost of the revised, widened sidewalk and bus shelter, but not more than \$200,000.

We believe this is a reasonable compromise in light of all the circumstances including:

1. The need for these improvements to benefit not just the Schools but also the Town and its residents.
2. The fact that this adjustment to the project will achieve pedestrian and bicycle improvements called for by the original approval at a substantial cost savings and provide an off-road bicycle facility in an area which, at certain times of day, experiences heavy vehicular traffic.
3. The 2020 Comprehensive Plan theme "Getting Around" includes goals of bicycle and pedestrian connections providing links between neighborhoods, businesses, and schools.
4. The recent changes in State Law, which require the State to pay for improvements it requires to State roads for school projects and for the Town to pay for improvements it requires to Town roads for school projects. This needs to be considered in conjunction with the fact that the Town's special use permit in this case proposes to require improvements (specifically the installation of the bicycle lane) to State roads which are not required by the State. This is a circumstance not covered one way or the other by the State law.

Adjustment to Maintenance Building Special Use Permit

We also recommend that the staff approve a minor modification to the Maintenance Building Special Use permit as explained below.

By constructing the combined off-road bicycle/pedestrian facility on the south side of High School Road, there would no longer be a need to also require a bicycle lane (or payment-in-lieu thereof) on the north side of High School Road in conjunction with the Maintenance Building project.

The proposed agreement would provide that the staff approve a minor change to the special use permit for this project, to remove the Schools' need to pay for bicycle lane on the north side when that project moves forward. There would continue to be a requirement for completion of the sidewalk, or payment-in-lieu, as stipulated in that permit.