



ROAD BUSINESS



On the Road in New Hampshire

Regulations Will Challenge NH Municipal Highway Managers in the New Millennium

Recently enacted federal and state regulations will affect municipal highway departments in 2001 and beyond. More pending rules will take affect in the third Millennium. In addition, several regulatory agencies plan increased enforcement of past regulations. In total these rules can change road and bridge maintenance decision-making and priority setting. They will influence facility construction and municipal budgets. At minimum many will require increased documentation and permit applications. The new, old, and pending regulations include:

- Stormwater II (NPDES II)
- GASB 34
- *MUTCD Millennium Edition*, with a new part specifically for low volume roads
- Retroreflective street name signs
- Center and edge line marking
- Retroreflectivity minimums for traffic signs and pavement markings
- Wetlands permits

Each regulation is described below, with known anticipated affects noted. Sources of currently available information, and UNH T² Center plans for additional information, are described at the end of the article.

Stormwater II

In October 1999 the Environmental Protection Agency (EPA) enacted Phase II of its National Pollutant Discharge Elimination System Storm Water Program. (Abbreviated NPDES II, Stormwater II, or Phase II.) This rule will affect nearly all municipalities, with major impacts on

some. Its three areas of coverage are described separately below.

Industrial Activities. These rules could impact municipal garages, truck and vehicle washing, salt and sand storage, wastewater treatment plants, recycling centers, and refuse transfer stations. Municipalities will need a permit or a No Exposure Waiver for each activity with the potential to affect surface waters. To obtain a waiver, the agency must show that the materials "are not exposed to storm water" during storage or handling operations. Some municipalities will have to construct new or modify existing facilities. The deadline for applications is March 2003. For many cities and towns planning for compliance will have to occur sooner.

Regulated Municipal Separate Storm Sewer Systems (MS4s). Phase II regulates all MS4s in "urbanized areas." These cover all of 6 New Hampshire cities, and parts of 20 other cities and towns. EPA might add municipalities to the list, or modify the current areas by December 9, 2002.

Each designated municipality will have to develop a Storm Water Management Program. That program must contain six "minimum control measures."

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Construction Activities. Operators of a construction site must obtain a permit if they disturb one or more acres of land. If a municipality is a new construction operator, it must obtain a permit. Construction activity does not include routine maintenance of roads and ditches.

GASB 34

The Governmental Accounting Standards Board (GASB) establishes financial accounting and reporting standards for state and local governments. Its Statement No. 34 requires local governments to change financial reporting within the next three years, some sooner. The changes will also cause many municipalities to review how they manage road and bridge maintenance.

GASB 34 requires reporting capital assets by historical costs and depreciation. It also offers an "asset management" alternative to reporting depreciation. Both depreciation and asset management are expensive, but the asset management approach yields better road and bridge maintenance.

MUTCD Millennium Edition

The Manual on Uniform Traffic Control Devices (MUTCD) defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets and highways. The Federal Highway Administration (FHWA) has rewritten and reformatted the 1988 edition and its amendments. It also added some new rules. Its Millennium Edition becomes effective on January 17, 2001.

Part 5 describes specific sign types, sizes, and placement for low volume roads. It defines low volume roads as having less than 400 average daily traffic and lying outside built-up areas.

Retroreflective Street Name Signs

By amendment to the old MUTCD, new street name signs *must* be retroreflective. The MUTCD *requires* contrasting colors for legend and background, and *recommends* white on green. It also *recommends* an increase in letter size for local roads greater than 25 mph. This requires larger

sign blanks and more expensive hardware and posts. Existing signs must meet these requirements by January 9, 2012.

Center and Edge Line Marking

The *MUTCD Millennium Edition* includes the January 2000 final rule that required or recommended center and edge line marking on certain roads. The "shall" and "should" rules are based on average daily traffic and other factors. In the future, some center and edge marking will have to be retroreflective, as described in the next section.

Retroreflectivity Minimums for Traffic Signs and Pavement Markings

During the 1990s government and private agencies studied traffic sign and pavement marking retroreflectivity. An AASHTO Task Force has analyzed these studies and recommended minimum retroreflectivity levels to FHWA. Proposed amendments to the MUTCD are likely in early 2001.

These rules will require that sign and pavement marking reflectivity be maintained to minimum levels. Municipal officials should also document inspection and maintenance. The UNH T² Center's Sign Inventory Management System will help highway departments manage their signs and pavement markings.

Wetlands Permits

For over a decade, RSA-A:3 has required an excavating and dredging permit before working in "any bank, flat, marsh, or swamp in and adjacent to any waters of the state...." The NH Department of Environmental Services (NHDES) is charged with wetland permit administration, including enforcement. It has informed many cities and towns, and the UNH T² Center, that it will increase enforcement of municipal activities in 2001.

Available Information

Additional information is currently available for these regulations from the following sources.