

1 19A NCAC 02D .0402 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02D .0402 CURB AND GUTTER AND UNDERGROUND DRAINAGE ON HIGHWAYS**

4 (a) Programmed Improvement Projects (Projects Included in State Transportation Improvement Program).

5 (1) On programmed-~~state~~ State highway improvement projects in areas where the additional cost of
6 curb and gutter and underground storm drainage facilities is not justified from the-~~state's~~ State's
7 standpoint but where the adjacent property owner(s) or the municipality may desire curb and gutter
8 and underground storm drainage facilities, such facilities may be included as part of the programmed
9 project provided the additional cost of these facilities is borne by the adjacent property owner(s) or
10 the municipality, and provided these facilities are in accordance with other criteria set forth in this
11 Rule.

12 (2) The Department of Transportation will ~~will~~ shall approve participation by the property owner(s) or the
13 municipality in cases where the property owner(s) or the municipality agree to have curb and gutter
14 and underground storm drainage, if required, on both sides of the project for a minimum distance of
15 one block or, if no intersections are present, for a minimum distance of 1000 feet. ~~The state will~~
16 State shall pay the cost of widening the present or proposed pavement out to the curb and gutter so
17 provided.

18 (3) The property owner(s) or the municipality ~~must~~ shall submit in advance of the project construction
19 a certified check for the additional cost of the approved curb and gutter and storm drainage facilities.

20 (b) Other Existing Paved Roads. Along existing paved State-~~Highway System~~ highway system routes where no
21 construction project is proposed and the adjacent property owner(s) or the municipality construct curb and gutter and
22 underground drainage facilities as approved by the Board of Transportation, the Department of Transportation will
23 bear the cost of widening the existing pavement as required for the proper location and installation of such facilities.
24 Approval of such curb and gutter or underground storm drainage facilities that are located along the State highway
25 system, where no construction projects are proposed, shall be determined according to the engineering standards of
26 the Department, and based on:

- 27 (1) adequacy of the facilities to handle drainage requirements;
- 28 (2) adequacy of the resulting roadway cross section to handle existing and anticipated traffic demands;
- 29 (3) conformance of the proposed street cross section with standards as established by the Board of
30 Transportation;
- 31 (4) a minimum distance of one block length or, if no intersections are present, for a minimum distance
32 of 1000 feet provided this requirement is not in conflict with local municipal ordinances, but in cases
33 of conflict, the local ordinance will prevail; and ordinances (In case of conflict, local ordinance will
34 prevail);
- 35 (5) availability of-~~state~~ State funds to widen the existing pavement, ~~when applicable, pavement-~~

36 (c) Unpaved Roads. Construction of curb and gutter along unpaved-~~state~~ State highway system routes shall not be
37 permitted.

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2 *History Note: Authority G.S. 136-44.1; 136-66.1; 143B-350(f); 143B-350(g);*

3 *Eff. July 1, 1978;*

4 *Amended Eff. November 1, 1993.*