

1 19A NCAC 02D .0406 is proposed for reoption without substantive changes as follows:

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3 **19A NCAC 02D .0406 CONSTRUCTION AND MAINTENANCE OF SIDEWALKS**

4 (a) ~~When~~ If a highway construction project having to do with the widening of an existing street requires that an  
5 existing sidewalk be torn up to make room for the widening, the Department ~~of Transportation~~ shall replace the  
6 sidewalk.

7 (b) The Department ~~shall~~ will evaluate the need for proposed sidewalks in the planning process. The Department  
8 ~~shall~~ will assess information provided by the local government, Transportation Advisory Committee, and ~~departmental~~  
9 Departmental engineering studies.

10 (c) The Department ~~shall~~ will analyze the existing and projected future need for a pedestrian facility in every major  
11 highway project planning report. The Department may construct a sidewalk if the need is documented and funding is  
12 available.

13 ~~(d) The Department and the local sponsor shall negotiate financial responsibilities for a new sidewalk based on~~  
14 ~~planning studies.~~

15 (e) The Department shall execute a pedestrian facilities maintenance agreement specifying responsibility for long  
16 term maintenance with the lead government entity or other local sponsor prior to construction for a proposed sidewalk.

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18 *History Note: Authority G.S. 136-66.1; 143B-346; 143B-350(f); 143B-350(g); 23 U.S.C. § 133; 23 U.S.C. § 217;*  
19 *Eff. July 1, 1978;*  
20 *Amended Eff. May 1, 1999; December 29, 1993.*