

1 19A NCAC 02D .0421 is proposed for readoption without substantive changes as follows:

2
3 **19A NCAC 02D .0421 INSTALLATION OF DRIVEWAY PIPE**

4 (a) ~~Residential Property.~~ The Department of Transportation ~~road maintenance forces shall at state expense install be~~
5 responsible for the installation and costs of pipe lines in the drainage ditch along the side of state maintained roads
6 State-maintained roads and within state maintained right of way State-maintained right-of-way or easement at
7 entrances to private residential property where the pipe is furnished and delivered to the installation site by the property
8 owner at the property owner's expense if the following requirements are met. ~~provided:~~

- 9 (1) The opening of the side ditch ~~is~~ shall be needed to provide proper drainage.
- 10 (2) The pipe to be installed ~~has~~ shall have sufficient opening as determined by the Department.
11 ~~Department of Transportation.~~
- 12 (3) The minimum length of pipe to be installed shall be 20 feet with such additional length as may be
13 necessary to accommodate earth side slopes. The pipe will not be lengthened for the purpose of
14 eliminating typical side ditches.
- 15 (4) The property ~~does~~ shall not already have adequate ingress and egress.
- 16 (5) The proposed location for the driveway entrance ~~does~~ shall not present undue safety hazards to the
17 traveling public as determined by the Department. ~~Department of Transportation.~~
- 18 (6) The property ~~is~~ shall be limited to farm entrances and property owned by the individual currently
19 living on the property or owned by the individual proposing to use the property for residential
20 purposes. This does not include property being developed for sale.

21 (b) ~~Commercial Property.~~ "Commercial property" includes:

- 22 (1) any property currently being used for commercial or industrial purposes;
- 23 (2) property ~~which~~ that is being developed for commercial or industrial purposes; and
- 24 (3) property ~~which~~ that is being developed for sale.

25 (c) ~~Commercial Driveway Pipe Installed by the Department of Transportation.~~ ~~The Department of Transportation~~
26 ~~road maintenance forces may~~ shall install pipe lines in the drainage ditch along the side of ~~state maintained~~ State-
27 maintained roads and within ~~state maintained right of way~~ State-maintained right-of-way or easements at entrances to
28 commercial property when the pipe is furnished and delivered to the installation site by the property owner at the
29 property owner's expense if the following requirements are met. ~~provided:~~

- 30 (1) Prior to installation, the property owner ~~submits~~ shall submit to the ~~Department of Transportation~~
31 an application for installation of a commercial driveway pipe together with a payment in the amount
32 of ten dollars (\$10.00) per linear foot of pipe to be installed. ~~Said amount is to cover the cost of~~
33 ~~pipe installation by state forces.~~
- 34 (2) Prior to installation, the property owner ~~has~~ shall have received an approved commercial driveway
35 permit from the Department. ~~Department of Transportation.~~ In the event the permit application is
36 denied, the ~~Department of Transportation will~~ shall return to the applicant the payment referenced
37 in Subparagraph (c)(1) of this Rule. ~~Rule to the applicant.~~

1 ~~(d) Commercial Driveway Pipe Installed by Other than State Forces.~~ The commercial property owner may elect to
2 have driveway pipe installed by private contractors if the following requirements are met, provided:

3 (1) Prior to installation, the property owner ~~submits~~ shall submit to the Department of Transportation
4 an application for installation of a commercial driveway pipe together with a payment of fifty dollars
5 (\$50.00) to cover the cost of the inspection of the pipe installation by Department of Transportation
6 personnel.

7 (2) Prior to installation, the property owner ~~has~~ shall have received an approved commercial driveway
8 permit from the ~~Department, Department of Transportation.~~ In the event the permit application is
9 denied, the Department of Transportation will return to the applicant the payment referenced in
10 Subparagraph (d)(1) of this ~~Rule.~~ Rule to the applicant.

11 (3) The workmanship, ~~materials~~ materials, and final installation ~~are~~ shall be subject to approval by the
12 ~~Department of Transportation's~~ Department's District Engineer. ~~Engineer in accordance with~~
13 ~~current Department of Transportation standards.~~ In the event the pipe installation does not meet the
14 approval of the District Engineer, the Department of Transportation shall remove the pipe at the
15 expense of the property owner.

16 (4) Signing, ~~barricades~~ barricades, and other devices ~~for handling of~~ necessary to mitigate traffic at or
17 adjacent to the installation site ~~is~~ shall be provided ~~during the installation~~ by the property owner or
18 contractor. ~~Said devices must~~ Traffic mitigation devices shall meet the requirements of the MUTCD
19 and be approved by the District Engineer.

20 (e) ~~Installation~~ Department installation of pipe by state forces ~~includes~~ shall include necessary excavation, ~~placement~~
21 ~~of pipe complete in place~~ complete pipe placement, and sufficient backfill of the pipe with local material to provide a
22 pipe line and grade protection, ~~cover sufficient to maintain the pipe line and grade.~~ The Department of Transportation
23 is not obligated to construct a finished driveway.

24 (f) The Department of Transportation ~~shall furnish and install~~ be responsible for the installation and costs of residential
25 and commercial driveway pipe ~~at state expense at entrances to residential property and commercial property if~~
26 ~~necessary as a result of the department's~~ if the Department caused the need by relocating or revising the elevation of
27 side ditches for the improvement of highway drainage.

28 (g) ~~Note.~~ ~~See also~~ Rule .0102 of this Subchapter for provisions related to pipe size.

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30 *History Note: Authority G.S. 136-18(1); 136-92; 136-93; 156-88;*

31 *Eff. July 1, 1978;*

32 *Amended Eff. November 1, 1993; October 1, 1983.*