

**07 NCAC 11 .0205            UTILITY REGULATIONS**

(a) Location.

- (1) New utility installations on the Corridor shall be placed underground. New utility installations means initial installations and the replacement of existing facilities with those of a different type, capacity, size of wire or design or replacement at a new location on the Corridor. Any replacement of an existing facility or portion thereof with another of the same type, size of wire, capacity and design at the same location is considered to be maintenance.
- (2) Pedestals, transformers, manholes, vaults or other above ground or at grade utility appurtenances installed as part of buried plant shall be located at or near the outer extremity of Corridor jurisdiction. Justification for other locations may be approved by the commission and Department of Transportation.
- (3) Longitudinal installations shall be located on uniform alignment as determined satisfactory by the commission and Department of Transportation so as to provide a safe environment for traffic operation and to preserve adequate space for planned highway improvements or other utility installations. Longitudinal installations under the pavement, including paved shoulders, will not be permitted.
- (4) To the extent feasible and practicable, utility line crossings of the highway should cross on a line generally perpendicular to the highway alignment.

(b) Pavement Cuts.

- (1) Longitudinal pavement cuts along U.S. 64-264 will not be permitted without obtaining a Certificate of Appropriateness.
- (2) Generally, pavement cuts across U.S. 64-264 will not be permitted; however, there may be extreme cases where the commission and the Department of Transportation may allow open cuts where justified. A Certificate of Appropriateness must be obtained for open cuts.

(c) Cased and Uncased Construction.

- (1) Underground crossings of U.S. 64-264 may be installed without protective pipe, conduit or duct provided such installations are limited to open-cut construction or to small bores for wire or cable facilities where soil conditions permit installation by boring a hole about the same diameter as the cable and pulling the cable through. On crossing where open-cut is not allowed, installations that require bores in excess of six inches shall be encased unless the utility demonstrates to the satisfaction of the commission and Department of Transportation that the installation method for an uncased crossing is such that the bored hole is never left unsupported.

(d) Bury.

- (1) The minimum depth of bury for utility lines shall be as follows:

(A) Crossings under all roadways (including shoulders)	3'
(B) Crossings under ditches (paved and unpaved) and sidewalks	2'
(C) Longitudinal electric power primary	3'
(D) Longitudinal electric power secondary, and trenched communication lines	2'
(E) Plowed-in utility lines	18"

(e) Safety Warning Devices.

- (1) The utility owner shall provide during construction any subsequent maintenance, proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual of Uniform Traffic Control Devices for Streets and Highways, and the North Carolina Construction and Maintenance Operations Supplement. Information as to this Rule may be obtained from the Department of Transportation's Maintenance Office in Manteo, North Carolina. The Department of Transportation has the right to stop any work for non-compliance.

(f) Removal or Alteration of Vegetation.

- (1) The encroaching party or their agents shall exercise every required precaution during construction and/or maintenance to prevent eroding of soil; silting or pollution of water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission and with ordinances and regulations of Dare County, the Town of Manteo, the State of North Carolina and other official regulating agencies relating to sedimentation and pollution prevention and control.
- (2) Where there is excavation for underground installations or when any other installation or maintenance operations disturb the ground surface and the existing ground cover, the encroaching party shall be required to perform erosion control measures as follows:

- (A) Erosion control shall be performed in accordance with the requirements contained in the current edition of the Department of Transportation's Standard Specifications for Roads and Structures.
  - (B) The use of temporary erosion control measures shall be included to prevent siltation of waterways and adjacent property. The use of silt basins, silt check dams, silt fence, temporary slope drains, brush barriers and temporary seeding and mulching shall be used as needed.
  - (C) Permanent erosion control shall be performed as follows:
    - (i) All disturbed areas shall be dressed to original typical sections and plowed to a depth of five inches. The top two inches shall be pulverized to provide a uniform seedbed. Lime shall be applied before plowing.
    - (ii) Kinds and rates of seed, fertilizer and limestone shall be specified by the commission or Department of Transportation.
    - (iii) Lime, seed and fertilizer shall be applied with necessary equipment to give uniform distribution of these materials. The hand-bucket method is not acceptable.
    - (iv) Seeded area shall be cultipacked to firm seedbed and seed shall be adequately covered.
    - (v) Grain straw shall be applied over seeded areas as a mulch. No bare ground shall be visible when riding by a mulched area if proper application is achieved. Thick clumps of straw are not permissible; a uniform coverage is required.
    - (vi) Mulched areas shall be tacked sufficient to hold straw in place.
  - (3) No trees may be cut or removed without prior approval, and in certain situations, the commission or Department of Transportation may require that trees or shrubs be carefully dug and replanted or replaced by new plants.
  - (4) When permission for cutting, trimming, digging or other removal or alteration of trees, shrubs or other vegetation on the Corridor for the purposes of construction and maintenance by an encroaching party is given it shall be subject to the following standard requirements:
    - (A) The permission applies only to the interest of the commission and Department of Transportation in the vegetation and is not to be construed as freeing the encroaching party from liability to the adjacent property owner. Special attention is called to this provision in cases of specimen trees that are also a part of private development such as home grounds, schools, churches, etc.
    - (B) All cutting shall be done as close to flush with the ground as is practicable with modern saw equipment. Under very exceptional conditions, such as very large diameter trees or swamp growth, flush cuts may not be practical. The burden of proof for the necessity of high stumps will rest with the encroaching party and express approval must be obtained from the commission prior to such cutting.
    - (C) Trimming of specimen trees on the Corridor shall be done in accordance with generally accepted tree surgery practice and any trimming necessary to leave the tree with a good, balanced appearance must be done in addition to the minimum trimming needed for line clearance, climbing irons or spurs must not be used on any tree.
    - (D) All cuttings shall be removed from the Corridor and out of view unless otherwise stated in the Certificate of Appropriateness. If woodchipping machines are used for brush disposal, the chips must be removed from the Corridor.
    - (E) Removal or alteration of vegetation for existing overhead utility facilities generally will be limited to 15 feet; that is, to seven and a half feet on either side of the utility wire or pole. Wider clearing areas will be considered only on the basis of;
      - (i) removing only danger trees,
      - (ii) retaining large, sound, strong-trunked trees, and
      - (iii) trimming such large sound trees for wire clearance only instead of complete side trimming.
- No flat-topping, bench-topping or clear-cutting will be allowed and all trimming will be accomplished by irregular hand pruning.
- (F) Under some circumstances the granting of permission related to existing overhead utility facilities will be conditioned upon the preservation of such shrubs and low-growing trees within the clearing area. The need and extent of such preservation will be determined for specific locations.
  - (G) When excavating for underground utility installation or maintenance is done near trees, the minimum, but necessary, cutting of tree roots shall be done in accordance with generally accepted tree surgery practice. The tunneling under and retention of principal support roots may be

required when considered necessary, according to the location, size and quality of the tree involved.

(H) The use of herbicides for control of vegetation is prohibited.

(g) Procedures of Processing Utility Encroachment Agreements.

- (1) All requests shall be submitted directly to the Commission, P.O. Box 155, Manteo, North Carolina 27954, for review, consideration and processing. Those requests affecting the North Carolina Department of Transportation right of way or the right of way and the 50 feet outside of the right of way require the approval of both the commission and the Department of Transportation Division Engineer. Those requests affecting only the 50 feet outside the right of way require the approval of the commission only.
- (2) General requirements for permit application are the same as found under Section .0300 of the general regulations for the commission.

*History Note: Authority 1981 S.L., c. 1194, s. 1(1)(c);  
Eff. February 1, 1987.*