

19A NCAC 02C .0103 ADDITION OF ROADS TO THE SECONDARY ROAD SYSTEM

The following requirements must be met before a county road will be added to the secondary road system, provided, however, that the Board of Transportation reserves the right not to add a road to the system if it is evident that the cost of improving said road to minimum standards is excessive within the funds presently available for maintenance and construction within the county:

- (1) Addition of county roads to the system.
 - (a) Property owners must dedicate, free of charge, a right of way sufficient for maintenance and safety purposes. A minimum width of 50 feet for connecting roads and 45 feet for dead end roads is required.
 - (b) Roads one mile or less in length must have at least five occupied residences fronting the road or with direct entrance to the road. These residences must be all-year residences. If a summer resort, each residence counts as one-half a residence.
 - (c) Roads of one or more miles in length must have an average of five occupied residences per mile fronting or having direct entrance to the road.
 - (d) There must be at least two individual property owners on the road.
- (2) Addition of subdivision streets to the system.
 - (a) Developers or property owners must dedicate the following rights of way, free of charge and free of all encumbrances:
 - (i) Connecting Roads. The right of way width for roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system is 50 feet.
 - (ii) Short Connecting Roads. These roads are one block long or extend on a block-by-block basis and have no collector characteristics. The right-of-way width is 45 feet.
 - (iii) Loop Roads. These are roads which are less than one mile in length and have no collector road characteristics. The right-of-way width is 45 feet.
 - (b) Utilities requiring adjustment or relocation to conform to Department of Transportation's rules which are contained in 19A NCAC 2B .0500 shall be made at no expense to the Department of Transportation. Existing or relocated utilities may remain within the right of way of any subdivision street added to the secondary road system provided the location of same meets Department of Transportation's approval and further provided the utility owner executes an encroachment agreement on forms furnished by the Division of Highways. Utilities are defined as electric power, telephone, television, telegraph, water, sewage, gas, oil, petroleum products, steam, chemicals, drainage, irrigation and similar lines.
 - (c) At least 20 percent of the lots bordering the street must be individually owned.
 - (d) There must be at least two occupied residences for each one-tenth of a mile. Subdivision access roads must provide ingress and egress for at least five occupied residences for roads less than one mile in length and an average of five occupied residences per mile for roads over one mile in length. A subdivision access road is a road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.
 - (e) A minimum of four occupied homes is required for the addition of roads less than two-tenths of a mile in length. Cul-de-sacs less than two-tenths mile in length must serve at least four occupied homes. If four occupied homes are not served, the cul-de-sac may be treated as a private drive. Also see .0112(c) of this Subchapter.
 - (f) Connecting roads with fewer than the required occupied homes for the length involved may be reviewed as to traffic usage for addition purposes. Traffic usage equivalent to the traffic that would be generated by the correct number of occupied homes shall be acceptable.
 - (g) Any subdivision street with a right of way dedicated, recorded or that has preliminary approval from a county planning board dated after September 30, 1975, shall not be added to the state maintained system unless the street is paved to the minimum construction standards of the Department of Transportation for subdivision streets.
 - (h) The Board of Transportation shall consider the addition of streets that serve developments with large lots or parcels that are of the size that the occupied housing

requirement of two homes per tenth of a mile cannot be met. The number of occupied homes needed shall be a judgment factor based upon the length and the number of lots or parcels involved. The minimum requirement shall be four occupied homes.

- (i) Erosion and Sedimentation. All subdivision roads shall have a permanent vegetative cover established and other permanent erosion control measures installed in accordance with Division of Highways' specifications, prior to addition to the State maintained system.
 - (j) Subdivision roads shall meet the minimum design and construction criteria and be maintained prior to addition to the State Highway System when petitioned for State maintenance.
 - (k) All pipe culverts, storm sewers and appurtenances shall be free of all debris and silt build-up and shall be structurally and hydraulically sound, and functioning in a normal manner. All drainage ditches shall be of such a width and depth and with such a slope as to carry the anticipated discharges. Paved ditches or rip rap shall be required where necessary.
- (3) The DOT may accept rights of way for secondary roads that are less than the minimum required width upon a determination by the Manager of Secondary Roads, and with the approval of the Board of Transportation, that the minimum required right of way width is not feasible, based upon reasonable engineering principles and costs, or creates unnecessary hardships, and safety is not sacrificed.

History Note: Authority G.S. 136-44.7; 136-44.10; 136-102.6;
Eff. July 1, 1978;
Amended Eff. December 29, 1993; July 1, 1984; October 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.