

19A NCAC 02D .0421 INSTALLATION OF DRIVEWAY PIPE

(a) The Department of Transportation shall be responsible for the installation and costs of pipe lines in the drainage ditch along State-maintained roads and within State-maintained right-of-way or easement at entrances to private residential property where the pipe is furnished and delivered to the installation site by the property owner at the property owner's expense if the following requirements are met:

- (1) the opening of the side ditch is needed to provide drainage;
- (2) the pipe to be installed shall be restricted to a minimum inside diameter of 15 inches long and maximum inside diameter of 48 inches unless otherwise directed by the Department;
- (3) the minimum length of pipe to be installed shall be 20 feet with additional length as may be necessary to accommodate earth side slopes. The pipe shall not be lengthened for the purpose of eliminating typical side ditches;
- (4) the property does not already have ingress and egress;
- (5) the proposed location for the driveway entrance does not present safety hazards such as insufficient sight distance, proximity to other intersections, increased traffic congestion, poor roadway facility operations, decreased highway capacity, driver and pedestrian confusion, or other risks associated with vehicular traffic entering, leaving, and parking adjacent to accesses for residential property; and
- (6) the property is limited to farm entrances and property owned by the individual currently living on the property or owned by the individual proposing to use the property for residential purposes. This does not include property being developed for sale.

(b) "Commercial property" includes:

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

(c) The Department shall install pipe lines in the drainage ditch along the side of State-maintained roads and within State-maintained right-of-way or easements at entrances to commercial property when the pipe is furnished and delivered to the installation site by the property owner at the property owner's expense if the following requirements are met:

- (1) prior to installation, the property owner shall submit to the Department an application for installation of a commercial driveway pipe together with a payment in the amount of ten dollars (\$10.00) per linear foot of pipe to be installed. The application shall contain the following:
 - (A) description of the property location;
 - (B) description of the property use;
 - (C) acknowledgment that the driveway or street entrance shall be constructed and maintained in absolute conformance with the current "NCDOT Policy on Street and Driveway Access to North Carolina Highways;"
 - (D) acknowledgment that no signs or objects shall be placed on or over the public right-of-way other than those approved by the Department;
 - (E) acknowledgment that the driveway(s) or street(s) shall be constructed as shown on the attached plans;
 - (F) acknowledgment that the driveway(s) or street(s) shall include any approach tapers, storage lanes, or speed change lanes as deemed necessary by the Department;
 - (G) acknowledgment that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way shall be considered the property of the Department, and the property owner shall not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction;
 - (H) acknowledgement that the permit shall become void if construction of driveway(s) or street(s) is not completed within the time specified by the NCDOT Policy on Street and Driveway Access to North Carolina Highways;
 - (I) requirement that a fifty dollar (\$50.00) construction inspection fee be paid by the property owner to the Department, and reimbursed to the property owner by the Department if the application is denied;
 - (J) acknowledgment that the construction and maintenance of the driveway(s) or street(s) shall be performed in a safe manner so as not to interfere with or endanger the traveling public.

- (K) acknowledgment that signage, signals, flaggers, and other warning devices shall be provided during construction and in conformance with the current Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD);
 - (L) acknowledgment that the Department shall be indemnified and saved harmless from all damages and claims for damage that may arise by reason of construction;
 - (M) requirement that the property owner shall provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system;
 - (N) acknowledgment that the permit shall be granted subject to the regulatory powers of the Department as provided by law and as set forth in the NCDOT Policy on Street and Driveway Access to North Carolina Highways and shall not be construed as a contract access point;
 - (O) requirement that the property owner shall notify the District Engineer when the proposed work has begun and is completed; and
 - (P) signatures of the property owner, property owner's authorized agent, and their respective witnesses, and receipt and approval signatures of the Department.
- (2) applications for commercial driveway permits shall be approved or denied in accordance with the engineering standards and guidelines provided in the NCDOT Policy on Street and Driveway Access to North Carolina Highways. This policy may be accessed at no cost to the public by visiting <https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Policy%20on%20Street%20and%20Driveway%20Access.pdf>; and
- (3) prior to installation, the property owner shall have received an approved commercial driveway permit from the Department. In the event the permit application is denied, the Department shall return to the applicant the payment referenced in Subparagraph (c)(1) of this Rule.
- (d) The commercial property owner may elect to have driveway pipe installed by private contractors if the following requirements are met:
- (1) prior to installation, the property owner shall submit to the Department an application for installation of a commercial driveway pipe together with a payment of fifty dollars (\$50.00) to cover the cost of the inspection of the pipe installation by Department personnel;
 - (2) prior to installation, the property owner shall have received an approved commercial driveway permit from the Department. In the event the permit application is denied, the Department will return to the applicant the payment referenced in Subparagraph (d)(1) of this Rule;
 - (3) the workmanship, materials, and final installation shall be subject to approval by the Department's District Engineer in accordance with current Department of Transportation standards. In the event the pipe installation does not meet the approval of the District Engineer, the Department shall remove the pipe at the expense of the property owner; and
 - (4) signing, barricades, and other devices necessary to mitigate traffic at or adjacent to the installation site shall be provided by the property owner or contractor. Traffic mitigation shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways as as by the District Engineer.
- (e) Department installation of pipe shall include necessary excavation, complete pipe placement, and sufficient backfill to provide a pipe line and grade protection. The Department of Transportation is not obligated to construct a finished driveway.
- (f) The Department shall be responsible for the installation and costs of residential and commercial driveway pipe if the Department caused the need by relocating or revising the elevation of side ditches for the improvement of highway drainage.
- (g) See Rule .0102 of this Subchapter for provisions related to pipe size.

History Note: Authority G.S. 136-18(1); 136-30; 136-92; 136-93; 156-88; Eff. July 1, 1978; Amended Eff. November 1, 1993; October 1, 1983; Readopted Eff. June 1, 2019.