

19A NCAC 02D .0402 CURB AND GUTTER AND UNDERGROUND DRAINAGE ON HIGHWAYS

(a) The following Subparagraphs are applicable to Projects included in the State Transportation Improvement Program.

- (1) If curb and gutter or underground storm drainage facilities are not included in a State highway improvement project, such facilities may be added as part of the programmed project if the additional cost of these facilities are paid by the adjacent property owner(s) or the municipality.
- (2) The Department shall approve participation by the property owner(s) or the municipality in cases where the property owner(s) or the municipality agree to have curb and gutter and underground storm drainage, if required, on both sides of the project for a minimum distance of one block or, if no intersections are present, for a minimum distance of 1000 feet. The State shall pay the cost of widening the present or proposed pavement out to the curb and gutter so provided.
- (3) The property owner(s) or the municipality shall submit in advance of the project construction a certified check for the additional cost of the approved curb and gutter and storm drainage facilities.

(b) Other Existing Paved Roads. Along existing paved State highway system routes where no construction project is proposed and the adjacent property owner(s) or the municipality construct curb and gutter and underground drainage facilities as approved by the Board of Transportation, the Department of Transportation shall bear the cost of widening the existing pavement as required for the proper location and installation of such facilities. Approval of curb and gutter or underground storm drainage facilities that are located along the State highway system, where no construction projects are proposed, shall be determined according to the engineering standards of the Department, and based on:

- (1) adequacy of the facilities to handle drainage requirements;
- (2) adequacy of the resulting roadway cross section to handle existing and anticipated traffic demands;
- (3) conformance of the proposed street cross section with engineering standards as established by the Board of Transportation;
- (4) a minimum distance of one block length or, if no intersections are present, for a minimum distance of 1000 feet provided this requirement is not in conflict with local municipal ordinances. In cases of conflict, the local ordinance shall prevail; and
- (5) availability of State funds to widen the existing pavement, when applicable.

(c) Unpaved Roads. Construction of curb and gutter along unpaved State highway system routes shall not be permitted.

*History Note: Authority G.S. 136-44.1; 136-66.1; 143B-350(f); 143B-350(g);
Eff. July 1, 1978;
Amended Eff. November 1, 1993;
Readopted Eff. June 1, 2019.*