

## **19A NCAC 02B .0601 DRIVEWAYS IN HIGHWAY RIGHT OF WAY - GENERAL**

(a) Any person or corporation desiring to construct a driveway or other connection within the right of way of a state system street or highway shall, before beginning any construction, secure a permit from the Department of Transportation authorizing construction on the state right of way. Driveway connections to residences are normally excluded from this requirement, but may be included at the option of the Department where access connections involve a public safety hazard or at locations involving a highway construction project or if drainage installation costs are excessive or drainage complications are obvious. (b) Failure to secure a permit prior to construction may result in the removal of the driveways or denial of access at that location, until an approved permit is executed. (c) Within local governments having local ordinances affecting driveways, the more restrictive ordinance, municipal, county or state, shall apply to driveways connecting into state system streets and roads.

History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; July 1, 1981.

## **19A NCAC 02B .0602 OBTAINING A DRIVEWAY CONSTRUCTION PERMIT**

(a) Application for a driveway construction permit will be made to the District Engineer having jurisdiction in the area. (b) Information that must be given with the application is listed below. Additional information will be required for special commercial property uses as shown in Rule .0603 of this Section.

- (1) The location of the property must be identified clearly enough for the proposed site to be located in the field.
  - (2) Complete names and addresses of the property owner and the applicant must be given on the application.
  - (3) The planned property use must be indicated as one of the following:
    - (A) Residential Subdivision - Low volume traffic generators (Average Daily Traffic less than 200 vehicles per day) such as small apartment complexes, mobile home parks, condominium developments, and other small residential developments.
    - (B) Regular Commercial - Low to moderate volume traffic generators (Average Daily Traffic greater than 200 but less than 1,000 vehicles per day) such as single commercial businesses, small shopping centers, light industrial and manufacturing establishments, small service businesses, service organizations and churches.
    - (C) Special Commercial - High volume traffic generators (Average Daily Traffic greater than 1,000 vehicles per day) such as large shopping centers, major recreational facilities, large office buildings or complexes containing more than 200 parking spaces, hospitals, large industrial developments, airports, large residential developments and civic centers.
- (c) Plans shall be submitted which clearly indicate the character and extent of the work proposed, including:
- (1) the location of all existing or proposed buildings;
  - (2) retaining walls, drainage, poles, and other physical features which effect the driveway location;
  - (3) pavement and right of way widths;
  - (4) roadway alignment and channelization;
  - (5) location of control of access; and
  - (6) offstreet parking locations which may affect the driveway location.

History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;

Amended Eff. December 29, 1993; July 1, 1981.

### **19A NCAC 02B .0603 DRIVEWAY PERMITS FOR SPECIAL COMMERCIAL PROPERTY**

(a) Property use designated as special commercial in Rule .0602 of this Section shall require study to a greater depth than other commercial property uses due to the possibility of greater traffic generation. As a result, a four-week review period shall be required by the Department. The permit shall be submitted sufficiently in advance of the planned construction date to allow for this review period. The different types of property uses that come under this heading are:

- (1) Shopping centers with one or more adjoining commercial or service establishments planned or constructed;
- (2) Residential developments;
- (3) Recreational facilities;
- (4) Office buildings or complexes containing more than 200 parking spaces;
- (5) Hospitals or large medical facilities;
- (6) Industrial developments;
- (7) Airports;
- (8) Civic Centers;
- (9) Other uses which can be expected to attract large amounts of traffic (Average Daily Traffic greater than 1,000 vehicles per day); and

(10) Any development located at high volume or high accident locations, which are locations having a history of accidents.

(b) In addition to the items required on the permit application as specified in Rule .0602 of this Section, the following items of information, with the exceptions noted, must be shown on the site plans before the application can be considered:

- (1) a complete plot plan showing the buildings and parking space layouts (not necessary for new public streets);
- (2) the proposed driveway locations and widths;
- (3) the approximate distances between the following items:
  - (A) driveway centerline to centerline of nearest crossroad;
  - (B) driveway centerline to existing or proposed crossovers;
  - (C) driveway centerline to adjacent streams or bridges;
  - (D) pavement edge of road to right of way; and
  - (E) width of adjacent roads.

(c) In the absence of local zoning or subdivision ordinances, the developer shall present four copies of the site plans to the District Engineer at least four weeks prior to the planned construction date.

(d) Where local zoning or subdivision ordinances exist, the developer shall submit five copies of the site plans to the local planning body. The local planning body, after tentative approval of the plan, shall forward four copies of the plans to the Division Engineer. The Division Engineer shall take the necessary action and inform the developer and the local planning body of the results of the investigation conducted by the Department.

History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;

Amended Eff. January 1, 1995; December 29, 1993; July 1, 1981.

### **19A NCAC 02B .0604 APPROVAL OF APPLICATION**

The approval of the application shall be subject to the following conditions:

- (1) The application shall be properly and clearly completed.
- (2) The location, design, and construction of driveways shall meet the general and geometric

requirements as specified by the responsible District Engineer which will include necessary provisions for drainage, pavement types and thickness, sight distance requirements, and other details.

Note: The Department publishes a brochure entitled, "Manual on Driveway Entrance Regulations" which includes the normal design and construction criteria required for various types of driveway entrances. This manual may be obtained from the Traffic Engineering Branch, Division of Highways, Raleigh, free of charge.

(3) The permit shall require that the applicant assume the following construction responsibilities:

(a) Existing open ditch - The applicant shall furnish all required pipe of size, type and quantity as specified by the engineer. The pipe will be laid and backfilled by the Department, if requested. The applicant shall bear the full cost of any stabilization and pavement placed on the driveway(s) within the right of way.

(b) Existing curbed streets - The applicant will bear all costs of driveway construction including the cost of replacing all joints of curb damaged during construction.

(c) No alteration or addition shall be made to any driveway within the right of way without first securing a new permit from the District Engineer. The Department reserves the right of inspection, by its authorized representatives, of any driveway construction within the right of way. In the event of failure to comply with the terms of the permit, faulty workmanship, or materials, the Department shall have the right to stop the work until such time as the objectionable conditions are corrected. All costs incurred in the removal and/or correction of non-compliance with design, defective workmanship, and/or materials shall be borne by the applicant.

History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; July 1, 1981.