

[MU-7] EXCEPTIONS TO MAINTENANCE RESPONSIBILITIES ON STATE HIGHWAY SYSTEM STREETS IN MUNICIPALITIES - Rev. 8/18/03

There are a number of maintenance activities that take place within the right of way of a State Highway System street inside the corporate limits of a municipality that are not considered appropriate or necessary for the movement of traffic upon the State Highway System streets. Therefore, these maintenance activities and financial responsibilities are borne by the appropriate municipality and the NCDOT has no liability for their activities. Some of the more important are outlined as follows:

A. Street Lighting

The normal lighting of municipal streets is in the interest of public safety. It is not considered a NCDOT responsibility. Therefore, the cost of installation of streetlights, the maintenance of streetlights and the payment of electrical bills is the responsibility of the municipality.

In certain instances, such as an Interstate or a controlled access facility interchange, the NCDOT may determine that additional lighting is necessary for traffic safety. In this instance, the NCDOT may undertake to install such additional lighting as necessary and work out agreements for the maintenance and payment of electrical bills with the municipality or appropriate utility.

B. Sidewalks

The construction and maintenance and all financial liability for accidents on sidewalks are the complete responsibility of the municipality. Similarly, that section of ground between the curb and gutter and the sidewalk and from the sidewalk to the edge of the right of way is considered a municipal responsibility from a maintenance standpoint.

C. Driveway Entrances

Control of construction of driveway entrances on curb and gutter streets and similarly on shoulder sections is considered a municipal responsibility. The determination of the number and location of these driveway entrances must be in accordance with manuals on driveway entrances as set forth by the NCDOT or such standards as developed by the municipality, whichever is more restrictive. All commercial driveway entrances and shopping centers must have the approval of the NCDOT.

D. Municipal Signing

There are a large number of signs used by the municipality to control parking on State Highway System streets. These are parking limit signs such as "2 hour parking" and other signs that do not have as their purpose the signing for the movement of traffic on the street or highway. These types of signing are the complete responsibility of the municipality. The municipality also, in some cases, may have an interest in erecting special destination signs or special "All America City" signs. All such signing for these purposes is set forth in the policies under Traffic Engineering, Chapter 12 of this manual.

E. Marking

There are certain types of parking space and other markings that are not necessary for the movement of traffic. These are the responsibility of the municipality and agreement on these matters is normally worked out between the municipality and the NCDOT Division Engineer.

F. Small Pavement Cuts

There is a large number of pavement cuts on State Highway System streets within the municipalities. These are undertaken by the municipality and many types of utility companies.

In order to make these pavement cuts, these agencies must obtain a permit from the appropriate NCDOT District Engineer. The municipality or utility takes full responsibility for the erection of appropriate signing in conformance with the *Manual on Uniform Traffic Control Devices* and such other detours and safety devices as needed. Accidents caused by these activities are the responsibility of the municipality or appropriate utility agency.

G. Major Pavement Cuts

There are instances where the NCDOT receives requests for utility cuts completely across the pavement or for extensive distances along the entire State Highway System street.

It is the general policy of the NCDOT that these extensive pavement cuts are not normally permitted. The municipality or utility is required to tunnel under the State highway system street or place the utility outside of the pavement area if it is for an extended distance such as a new water line, storm sewer line, etc.

H. Planting on State Highway System Right of Way

Should the municipality desire more extensive planting than is provided by the NCDOT, a plan for such proposed planting should be submitted to the Department and would be considered a construction or improvement item. An individual permit and agreement on NCDOT and municipal responsibility for planting and plant maintenance will be required in each instance, covering not only financial responsibility but the furnishing of personnel also, equipment and materials for performing plant maintenance, and associated hand mowing operations.

I. Proposed Planting by Civic Organizations

Civic organizations desiring to provide more extensive planting of trees and shrubs on NCDOT rights of way shall handle negotiations through the municipality as outlined previously in this section.

For the guidance of municipalities and civic organizations in submitting their planting plans to the NCDOT, a document has been prepared entitled *Guidelines for Planting Within Highway Right of Ways* ([Click on link below](#)). Compliance with these standards or acceptance shall be determined by the NCDOT on an individual basis.

http://www.doh.dot.state.nc.us/preconstruct/highway/dsn_srvc/value/manuals/

J. Blocking of Traffic Lanes

In order to provide for the safe movement of traffic, it is considered a joint responsibility between the NCDOT and the municipality to ensure that traffic lanes be kept open, and if blocked at any time, such blockage is properly signed or flagged. With its police power, the municipality has a high degree of responsibility for these activities.

K. Rubberized Railroad Crossings

In most instances, NCDOT funds were utilized to install those crossings. It is the municipality's responsibility to repair or replace those crossings. If the municipality fails to properly maintain the crossing, the NCDOT will remove the crossing and replace it with asphalt.

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