

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 569
Committee Substitute Favorable 5/12/09
Third Edition Engrossed 5/13/09
Senate Agriculture/Environment and Natural Resources Committee Substitute Adopted
6/30/09

Short Title: DWQ/Bridge Culvert Standards.

(Public)

Sponsors:

Referred to:

March 16, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF
3 ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF
4 THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE
5 PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED
6 BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Part 1 of Article 21 of Chapter 143 of the General Statutes is
9 amended by adding a new section to read:

10 "**§ 143-215.9C. Use of certain types of culverts allowed.**

11 (a) The Division of Water Quality in the Department of Environment and Natural
12 Resources shall allow the use of structures known as three-sided, open-bottom, or bottomless
13 culverts. A culvert authorized under this section shall be designed, constructed, and installed so
14 that it satisfies all of the following requirements:

15 (1) Adheres to professional engineering standards and sound engineering
16 practices.

17 (2) To the extent practicable, minimizes the erosive velocity of water.

18 (3) Has an inside that is greater than or equal to 1.2 times the bankfull width of
19 the spanned waterbody. For purposes of this subdivision, "bankfull width"
20 means the width of the stream where over-bank flow begins during a flood
21 event.

22 (b) The Division shall allow the use of culverts authorized under this section throughout
23 the State and may not limit their use to locations where they must be tied into bedrock. Culverts
24 authorized under this section may only be used on private property and may not be transferred
25 to, or operated or maintained by, the Department of Transportation."

26 **SECTION 2.** This act is effective when it becomes law.

