

603 KAR 1:020. Driveway approaches, entrances; construction and maintenance.

RELATES TO: KRS 176.050, 177.106

STATUTORY AUTHORITY: KRS 174.080, 176.050(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 176.050(1)(g) authorizes the Department of Highways to prescribe rules and administrative regulations for the care and maintenance of roads after they have been constructed. This administrative regulation is adopted to prescribe standards for the construction and maintenance of driveway approaches and entrances on the rights-of-way of the Department of Highways.

Section 1.

(1)

(a) The owner or occupant of property, who desires to construct new or additional private farm or single family dwelling driveway approaches, shall make formal application in writing, to the District Engineer of the Department of Highways. If the District Engineer approves the application, paragraph (b) of this subsection shall apply.

(b) The applicant shall furnish at his own expense, all drainage pipe, tile, or other drainage structure required. The department will participate in the construction of the entrance in an amount not to exceed \$300 by providing equipment, labor and/or materials for the installation of the drainage structure, the grading and surfacing with traffic bound material within the right-of-way limits.

(2)

(a) The owner or occupant of property, used for commercial or any purpose other than farming or single family dwelling, who desires to construct new or additional driveway entrance approaches, to relocate, or make other changes in existing driveway entrance approaches thereto, shall make application for a permit to the District Engineer of the Department of Highways upon standard forms furnished by the Transportation Cabinet.

(b) All work involved is to be done wholly at the expense of the permittee and in accordance with the approved permit and plans. A copy of the approved permit and plans authorizing the work must be in the possession of the person(s) or contractor doing the work at the work site. Failure of the person doing the work to produce the permit upon request by a representative of the department or a law enforcement officer will result in cancellation of the permit and/or appropriate legal action.

(3) Driveway entrance approaches to properties used for, or intended to be used for commercial or any purpose other than farming or single family dwelling shall be constructed in accordance with the following administrative regulations:

(a) All driveways and approaches shall be so constructed that they shall not interfere with the drainage of the highway. All drainage structures used shall meet the approval of the Department of Highways as to type, quality, size and length.

(b) Any corner island, safety island, property line island or pump island shall be so located as to insure the conduction of activities or business associated with the establishment, on private property and not on roadway right-of-way. To insure the safety of the highway user and to protect highway facilities against damage, the entrance approach shall be constructed or installed as shown on the permit, documents and plans approved by the Department of Highways.

Section 2. The District Engineer shall have authority to approve or to disapprove applications for driveway entrance approaches in accordance with such authority delegated to the District Engineer by the Secretary of the Transportation Cabinet.

Section 3.

(1) No indemnity bond or other type security will be required with permit applications for the construction of a farm or single family dwelling driveway entrance approach except when the estimated cost of the construction within the right-of-way limits exceeds \$300.

(2) Indemnity bonds or other types of security will be required with applications for the construction of any driveway entrance approach that is not intended to serve farm or single family dwelling property. The amount of such security shall be determined by the District Engineer and shall be sufficient to guarantee proper restoration of the right-of-way, roadway and surfacing.

Section 4.

(1) Normally all driveway entrance approaches are to be maintained by the owner and at the expense of the owner but the Department of Highways shall do sufficient work from the edge of the roadway pavement to the normal width of the roadway shoulder only, to provide safe passage for the traveling public.

(2) In situations where a determination is made by the District Engineer, that a farm or single family dwelling driveway entrance approach is causing damage to the roadway or is dangerous to the public, the District Engineer may authorize the department to perform maintenance work and supply materials within the right-of-way beyond the normal shoulder width.

(HIWA-319; 1 Ky.R. 809; eff. 5-14-1975; 6 Ky.R. 125; eff. 10-3-1979; Crt eff. 2-11-2019.)