

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

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

- (1) Adheres to professional engineering standards and sound engineering practices.
- (2) To the extent practicable, minimizes the erosive velocity of water.
- (3) Has an inside that is greater than or equal to 1.2 times the bankfull width of the spanned waterbody. For purposes of this subdivision, "bankfull width " means the width of the stream where over-bank flow begins during a flood event.

(b) The Division shall allow the use of culverts authorized under this section throughout the State and may not limit their use to locations where they must be tied into bedrock. Culverts authorized under this section may only be used on private property and may not be transferred to, or operated or maintained by, the Department of Transportation. (2009-478, s. 1; 2013-413, s. 57(l); 2014-115, s. 17; 2015-241, s. 14.30(u).)