

CHAPTER 69-05.2-24
PERFORMANCE STANDARDS - ROADS - OTHER TRANSPORTATION
FACILITIES - SUPPORT FACILITIES

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69-05.2-24-01. Performance standards - Roads - General requirements.

1. Each road, as defined in subsection 93 of section 69-05.2-01-02, must be classified as either a primary or ancillary road.
 - a. A primary road is any road which is:
 - (1) Used for transporting coal or spoil;
 - (2) Frequently used for access or other purposes for a period in excess of six months; or
 - (3) To be retained for an approved postmining land use.
 - b. An ancillary road is any road not classified as a primary road.
2. Each road must be located, designed, constructed, reconstructed, used, maintained, and reclaimed so as to:
 - a. Control or prevent erosion, siltation, and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces, by measures such as vegetating, watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices.
 - b. Control or prevent damage to fish, wildlife, or their habitat and related environmental values.
 - c. Control or prevent additional contributions of suspended solids to streamflow or runoff outside the permit area.

- d. Neither cause nor contribute to, directly or indirectly, the violation of state or federal water quality standards applicable to receiving waters.
 - e. Refrain from seriously altering the normal flow of water in streambeds or drainage channels.
 - f. Prevent or control damage to public or private property, including the prevention or mitigation of adverse effects on lands within the boundaries of units of the national park system, the national wildlife refuge system, the national system of trails, the national wilderness preservation system, the wild and scenic rivers system, including designated study rivers, and national recreation areas designated by act of Congress.
 - g. Use nonacid-forming and nontoxic-forming substances in road surfacing.
3. The design and construction or reconstruction of roads must incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, and culvert size, in accordance with current, prudent engineering practices, and any necessary design criteria established by the commission.
 4. Roads must be located to minimize downstream sedimentation and flooding, but in no case may roads be located in the channel of an intermittent or perennial stream unless specifically approved by the commission under section 69-05.2-16-20, and all other applicable requirements of chapter 69-05.2-16 are met.
 5. Roads must be maintained to meet the performance standards of this chapter and any additional criteria specified by the commission.
 6. A road damaged by a catastrophic event, such as a flood or earthquake, must be repaired as soon as is practicable after the damage has occurred.

History: Effective August 1, 1980; amended effective May 1, 1992; April 1, 2007.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-24

69-05.2-24-02. Performance standards - Roads - Location. Repealed effective May 1, 1992.

69-05.2-24-03. Performance standards - Roads - Design and construction of primary roads. Primary roads must meet the requirements of section 69-05.2-24-01 and the additional requirements of this section.