

1 19A NCAC 02E .0404 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02E .0404 HIGHWAY OBSTRUCTIONS INTERFERING WITH**  
4 **TRAFFIC/MAINTENANCE**

5 ~~Highway obstructions include driveway headwalls, fences, rural mailboxes, newspaper delivery boxes and other~~  
6 ~~roadside obstructions interfering with traffic or maintenance.~~

7 (a) — (1) — It shall be unlawful to place any highway obstruction, ~~including~~ including, but not limited to, a  
8 driveway headwall, fence, rural mailbox, newspaper delivery ~~box~~ box, or other roadside obstruction,  
9 so as to interfere with the traffic or maintenance of the roads and highways of the ~~state~~ State highway  
10 system.

11 (b) — (2) — If the ~~department determines,~~ Department determines that any highway obstruction, ~~including~~  
12 including, but not limited to, a driveway headwall, fence, rural mailbox, newspaper delivery box,  
13 ~~its supports~~ supports, or other roadside obstruction, constitutes ~~an unreasonable~~ a roadside collision  
14 hazard, the highway obstruction shall be removed by the person or entity responsible for placing the  
15 obstruction within the ~~right of way~~ right-of-way within 30 days of receipt of ~~a~~ written notice from  
16 the Department, ~~department to the person responsible for placing the obstruction within the right of~~  
17 ~~way.~~ way.

18 (c) — (3) — Only mailboxes or newspaper delivery boxes with ~~non rigid type posts, such as a 4" x 4" wooden~~  
19 ~~or a small diameter metal type, are~~ posts shall be permitted on road additions made to the ~~state~~ State  
20 highway system after May 3, 1990. ~~If determined to be a traffic hazard, the location of any brick~~  
21 ~~column, mailboxes, or newspaper delivery boxes, on rigid stands such as block, stone, or any other~~  
22 ~~type of material, shall be prohibited within the State highway system right-of-way.~~ The location  
23 within the right of way of an addition to the system of any brick columns, mailboxes or newspaper  
24 delivery boxes on rigid stands such as block, stone, or any other type determined to be a traffic  
25 hazard is prohibited.

26 (d) — (4) — The failure of the ~~person~~ party, responsible for placing the unlawful obstruction within the ~~right of~~  
27 ~~way,~~ State highway system right-of-way, to remove the obstruction within 30 days ~~after~~ of receiving  
28 written notice by the Department ~~of Transportation~~ shall constitute a misdemeanor. Failure to  
29 remove or make safe any mailbox or newspaper delivery box, its supports or any other obstruction  
30 within the specified 30 days of this Rule shall be cause for the Department's Division Engineer to  
31 take action to remove ~~the unacceptable~~ mailbox or newspaper delivery box, its supports or other  
32 ~~obstruction~~ obstructive installation and also bill the responsible party for the expense of removal.  
33 ~~removal if appropriate.~~

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35 *History Note: Authority G.S. 136-18(5); 136-90; 136-93; ~~143B-350(f)(13);~~*  
36 *Eff. July 1, 1978;*  
37 *Amended Eff. November 1, 1993; October 1, 1991.*