



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice **with** a scheduled hearing
 Notice without a scheduled hearing
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Department of Transportation

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdot.gov/about-us/how-we-operate/policy-process/rules/Pages/default.aspx>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION:
- AMENDMENT:
- REPEAL:
- READOPTION **with** substantive changes:
- READOPTION **without** substantive changes: 19A NCAC 03C .0102, .0201, .0202, .0220-.0230, .0232-.0237, .0403, .0404, .0414, .0419-.0429, .0431-.0433, .0436, .0501, .0520, and .0521; 19A NCAC 03E .0401; 19A NCAC 03F .0201-.0203, and .0602; 19A NCAC 03G .0208, and .0301; 19A NCAC 03I .0303, .0307, .0402, and .0501; 19A NCAC 03J .0201, .0204, .0303, .0305-.0307, .0402, and .0601
- REPEAL through READOPTION: 19A NCAC 03C .0101 and 19A NCAC 03G .0212

4. Proposed effective date: May 1, 2021

5. Is a public hearing planned? Yes No

If yes: Public Hearing date: Tuesday, March 2, 2021

Public Hearing time: 10:00 am

Public Hearing location: Virtual Meeting using a computer, tablet or smartphone:

<https://global.gotomeeting.com/join/648326853> If no computer access, please call in to the meeting at 1-571-317-3112 then dial access code: 648-326-853.

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. As a result of the periodic review of Subchapters 19A NCAC 03B, 03C, 03D, 03E, 03F, 03G, 03I, and 03J these proposed rules were determined as "Necessary With Substantive Public Interest" thus necessitating readoption.

Upon review for the re adoption process, the agency deemed the following rules to be necessary without substantive changes and are recommended for re adoption: 19A NCAC 03C .0102, .0201, .0202, .0220-.0230, .0232-.0237, .0403, .0404, .0414, .0419-.0429, .0431-.0433, .0436, .0501, .0520, and .0521; 19A NCAC 03E .0401; 19A NCAC 03F .0201-.0203, and .0602; 19A NCAC 03G .0208, .0212, and .0301; 19A NCAC 03I .0303, .0307, .0402, and .0501; and 19A NCAC 03J .0201, .0204, .0303, .0305-.0307, .0402, and .0601.

Upon review for the re adoption process, the agency deemed the following rule to be unnecessary and is recommending repeal: 19A NCAC 03C .0101 and 19A NCAC 03G .0212.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Hannah D. Jernigan

Address: 1501 Mail Service Center

Raleigh, NC 27699-1501

Phone (optional):

Fax (optional):

E-Mail (optional): Rulemaking@ncdot.gov

10. Comment Period Ends: March 16, 2021

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

12. Rule-making Coordinator: Hannah Jernigan

Phone: 919-707-2821

E-Mail: Rulemaking@ncdot.gov

Additional agency contact, if any: Helen Landi

Phone: 919-707-2821

13. The Agency formally proposed the text of this rule(s) on
Date: December 21, 2020

14. Signature of Agency Head* or Rule-making Coordinator:



E-mail: Rulemaking@ncdot.gov

Typed Name: Hannah Jernigan

Title: APA Rulemaking Program Manager

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*