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 - 13. If a hearing is scheduled, complete block 5.**
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Board 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:**

☐ **READOPTION with substantive changes:**

☒ **READOPTION without substantive changes:** 19A NCAC 02E .0221, .1103, .1105 and .1106

☐ **AMENDMENT:**

☐ **REPEAL:**

4. Proposed effective date: July 1, 2019

5. Is a public hearing planned? ☒ **Yes** ☐ **No**

If yes: Public Hearing date: Tuesday, April 2, 2019
Public Hearing time: 3:00 pm
Public Hearing Location: Transportation Mobility and Safety Conference Room 161, 750 Greenfield Parkway, Garner, NC 27529

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-21.2(d), 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 Subchapter 19A NCAC 02B, 02D and 02E these proposed rules were determined as "Necessary With Substantive Public Interest" thus necessitating readoption.*

Upon review for the readoption process, the agency deemed the following rules to be necessary without substantive changes and are recommended for readoption: 19A NCAC 02E .0221, .1103, .1105, and .1106.

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): 919-707-2821
Fax (optional):
E-Mail (optional): Rulemaking@ncdot.gov

10. Comment Period Ends: May 16, 2019

11. Fiscal impact (check all that apply).
If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
  Analysis submitted to Board of Transportation
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (≥$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required by G.S. 150B-21.4**
- ☒ **No fiscal note required by G.S. 150B-21.3A(d)(2)**

12. Rule-making Coordinator: Helen Landi

Address: 1501 Mail Service Center
Raleigh, NC 27699-1501

Phone: 919-707-2821
E-Mail: Rulemaking@ncdot.gov

Agency contact, if any: Hannah D. Jernigan

Phone:

E-mail: Rulemaking@ncdot.gov

13. The Agency formally proposed the text of this rule(s) on Date: February 18, 2019

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

Helen Landi

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

Typed Name: Helen Landi

Title: Rule-Making Coordinator/Interagency Director