



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
 Replication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Department of Transportation
2. Agency obtained G.S. 150B-19.1 certification: <input checked="" type="checkbox"/> OSBM certified on: April 2, 2014 <input type="checkbox"/> RRC certified on: <input type="checkbox"/> Not Required
3. Agency website postings: <ul style="list-style-type: none">• Text of proposed rule posted at: www.ncdot.gov/about/regulations/rules• Explanation and reason for proposed rule posted at: www.ncdot.gov/about/regulations/rules• Federal Certification posted at:• Instructions for oral and written comments posted at: www.ncdot.gov/about/regulations/rules• Fiscal Note if prepared posted at: www.ncdot.gov/about/regulations/rules
4. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 19A NCAC 02E .0612 <input checked="" type="checkbox"/> AMENDMENT: 19A NCAC 02E .0601, .0602, .0603, .0604, .0608, .0609, .0610, .0611 <input type="checkbox"/> REPEAL:
5. Proposed effective date: January 1, 2015
6. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: October 16, 2014 Public Hearing time: 6 p.m. Public Hearing Location: City of Asheboro Public Works Facility Conference Room, 1312 N Fayetteville St. Asheboro, NC
7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:
8. Explain Reason For Proposed Rule(s): The proposed administrative code changes involve vegetation removal by permitted entities along the NC Highway System. New administrative code (NCAC) is proposed to comply with changes as a result of amendments to existing NC General Statute 136-133.1. In addition, other proposed administrative code revisions are necessary to comply with ongoing implementation of NC General Statute 136-93 (b) as well as the newly codified NC General Statute 136-93.3. The revisions clarify existing NCAC rule requirements and reorganize existing rules to improve usability.

Reason For Proposed Rule(s) cont.:

The new code and proposed rule revisions will enable North Carolina Department of Transportation staff to oversee and ensure compliance with Statutory allowances for permitted vegetation removal. The applicable Statutes allow for permits to remove vegetation by outdoor advertisers and business facilities, including a new sub-category known as agritourism activities.

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.

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

Name: Helen Landi
Address: NC Department of Transportation
1578 Mail Service Center
Raleigh, NC 27699-1578
Phone (optional):
Fax (optional):
E-Mail (optional):

10. Comment Period Ends: 11/14/14

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 19A NCAC .0608, .0609, .0610, .0611, .0612
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- No fiscal note required by G.S. 150B-21.4 19A NCAC .0601, .0602, .0603, .0604 per G.S. 136-93.3

12. Rule-making Coordinator: Helen Landi

Address: NC Department of Transportation
1578 Mail Service Center
Raleigh, NC 27699-1578

Phone: 919-707-2842
E-Mail: hlandi@ncdot.gov

Agency contact, if any:

Phone:
E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: August 22, 2014

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



*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/ Deputy Director Governance Office