



**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:

<b>1. Rule-Making Agency:</b> NC Department of Transportation
<b>2. Link to agency website pursuant to G.S. 150B-19.1(c):</b> <a href="https://www.ncdot.gov/about-us/how-we-operate/policy-process/rules/Pages/default.aspx">https://www.ncdot.gov/about-us/how-we-operate/policy-process/rules/Pages/default.aspx</a>
<b>3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action:</b>  <input type="checkbox"/> <b>ADOPTION:</b>  <input checked="" type="checkbox"/> <b>READOPTION <u>with</u> substantive changes:</b> 19A NCAC 02D .0612 and 19A NCAC 02E .0411  <input checked="" type="checkbox"/> <b>READOPTION <u>without</u> substantive changes:</b> 19A NCAC 02D .0602, .0607, .0633, .0643, and .0644 19A NCAC 02E .0402-.0410, .0423, .0426 and .0427  <input checked="" type="checkbox"/> <b>AMENDMENT:</b> 19A NCAC 02D .0601  <input type="checkbox"/> <b>REPEAL:</b>
<b>4. Proposed effective date:</b> July 1, 2019
<b>5. Is a public hearing planned?</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>  <b>If yes:    Public Hearing date:</b> Tuesday, April 2, 2019 <b>Public Hearing time:</b> 3:00 pm <b>Public Hearing Location:</b> Transportation Mobility and Safety Conference Room 161, 750 Greenfield Parkway, Garner, NC 27529
<b>6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:</b>

**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 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 re adoption process, the agency deemed the following rules to be necessary without substantive changes and are recommended for re adoption: 19A NCAC 02D .0602, .0607, .0633, .0643, and .0644 and 19A NCAC 02E .0402-.0410, .0423, .0426 and .0427. Upon review, the agency deemed the following rule to be proposed for amendment: 19A NCAC 02D .0601.

Upon review for the re adoption process, the agency deemed the following rules to be unnecessary and is recommending repeal: 19A NCAC 02D .0612 and 19A NCAC 02E .0411.

**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 ( $\geq$ \$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

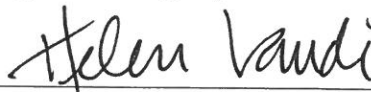
Agency contact, if any: Hannah D. Jernigan

Phone:

E-mail: Rulemaking@ncdot.gov

**13. The Agency formally proposed the text of this rule(s) on**  
Date: February 19, 2019

**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/Interagency Director