

From: [Ascher, Seth M](#)
To: [NCDOT Service Account - Rulemaking](#)
Cc: [Burgos, Alexander N](#)
Subject: Re: Periodic Review 19A NCAC 02
Date: Tuesday, April 28, 2026 11:54:48 AM
Attachments: [image001.png](#)

Thank you for approaching me about this email after today's meeting.

I anticipate that we will be able to grant your request for an October 2031 deadline at the May meeting. This chapter should go on the agenda and I will follow up when we get closer with the final details.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: NCDOT Service Account - Rulemaking <Rulemaking@ncdot.gov>
Sent: Tuesday, March 31, 2026 1:47 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Re: Periodic Review 19A NCAC 02

Hi Seth,

I appreciate our discussion last Thursday morning.

The North Carolina Department of Transportation respectfully requests that the readoption date for the rules in 19A NCAC 02 be set as October 1, 2031. The total number of rules for either readoption, amendment, or repeal are 259.

READOPTION PLAN

Step	Completed on or before
Prepare or Obtain a Fiscal Note, if Necessary (G.S. 150B-21.2(a)(2))	December 31, 2030
Publish Notice of Text in NC Register (G.S. 150B-21.2(a)(1))	May 1, 2031
Hold a Public Hearing (G.S. 150B-21.2(a)(4))	At least 15 but not later than 60 days after the date the notice is published
Accept Public Comments (G.S. 150B-21.2(a)(5))	July 1, 2031

Adopt the Rules (G.S. 150B-21.2.(g))	October 1, 2031
Submit the Rules to RRC (G.S. 150B-21.2.(g))	Within 30 days of adoption

- Chapter 02 is a significant section within Title 19A. Collectively, the rules in Title 19A address modes of transportation and the rules in Chapter 02 specifically govern the Division of Highways. The Division of Highways oversees highway operations, the issuing of oversize/overweight permits, right of way acquisitions, railroad crossings and structures, highway signage, numbering of secondary roads, funding allocations and distributions, utility encroachments, driveway entrances, drainage requirements, and outdoor advertising in accordance with G.S. 136 and G.S. 143B.
- Chapter 02 includes general and program specific rules governing all areas of the Division of Highways' oversight including programs and procedures. The readoption of Chapter 02 is complex regarding subject matter and impact to the general public. Variations to a rule can impact property owners, contractors, other state agencies, and municipalities, etc. The regulated public for Chapter 03 is varied and there is not a lot of overlap.
- Finally, the agency had all six chapters of periodic review due to the RRC within a four-month period, all of which will require readoption dates.

Agency	Chapters	Periodic Review Date	Agency Proposed Deadline for Readoption	Number of Rules
Department of Transportation	19A NCAC 03	May 2025	October 1, 2030 (approved by RRC)	238
Department of Transportation	19A NCAC 01	August 2025		11
Department of Transportation	19A NCAC 04	August 2025		7
Department of Transportation	19A NCAC 05	August 2025		27
Department of Transportation	19A NCAC 06	August 2025		27
Department of Transportation	19A NCAC 02	September 2025	October 1, 2031	259

Rulemaking Priorities

- NCDOT is undergoing substantial review and updates to all systems and programs. This will include applicable administrative code, as well as the 2025 periodic review and subsequent readoption rule-making actions. With so many of the rules impacting the general public, the agency would like to limit the number of updates to rules and include as much as possible in a single initiative.

Thank you for your consideration of this request. Please let me know if you have questions or if additional information is required.

Have a nice week.
Emily

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Date: Wednesday, February 4, 2026 at 12:05 PM
To: NCDOT Service Account - Rulemaking <Rulemaking@ncdot.gov>
Subject: Re: Periodic Review 19A NCAC 02

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is April 6, 2026. As a starting point and given the size of this ruleset, I would recommend a May 1, 2030 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
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From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Monday, December 15, 2025 3:43 PM
To: NCDOT Service Account - Rulemaking <Rulemaking@ncdot.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 19A NCAC 02

Good afternoon,

The determinations in the attached periodic review report for 19A NCAC 02 were effective November 26, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Please Note: pursuant to 26 NCAC 05 .0212 your agency's 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie B. Eddins
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