

1 19A NCAC 02B .0432 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02B .0432 RELOCATION ASSISTANCE**

4 The Department of Transportation incorporates by reference 49 CFR Subpart 24 [~~C.F.R. § 24 et seq.~~] and 23 CFR  
5 Subpart C, [~~C.F.R. § 200 et seq., 230 et seq.~~] Section 710.313, including subsequent amendments and editions. Copies  
6 are available for inspection at no cost to the public, and free copies may be obtained from the Right of Way ~~Branch~~  
7 Unit of the Department of Transportation, 1 S. Wilmington Street, Raleigh, NC 27601. Transportation. The Code of  
8 Federal Regulations may be accessed, at no cost to the public, by visiting <https://www.ecfr.gov>.

9  
10 *History Note: Authority G.S. 133-6; 133-14; 143B-350;*  
11 *Eff. October 1, 1993;*  
12 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02B .0507 is readopted with changes as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02B .0507 EXECUTION OF UTILITY AGREEMENT**

4 (a) ~~When~~ This Rule specifies the attestation requirements for utility encroachment agreements between the  
5 Department and external parties. All applicable rules regarding utility encroachment agreements may be found in this  
6 Section.

7 (b) If the applicant as defined in Rule .0501 of this Section is a corporation or a municipality, the agreement ~~must~~  
8 shall have the corporate seal and be attested by the corporate ~~secretary~~ secretary, or by the empowered city official,  
9 unless a waiver of corporate seal and attestation by the ~~corporate secretary~~ secretary, or by the empowered city ~~official~~  
10 official, is on file in the ~~Raleigh~~ office of the ~~Manager of Right of Way~~ State Utilities Manager, located at 1000 Birch  
11 Ridge Drive, Raleigh, NC 27610. Within each agreement, in in the space provided in each agreement for execution,  
12 the name of the corporation or municipality shall be typed above the signature, and the name and title of all persons  
13 signing the agreement shall be typed directly below their signature.

14 (b) (c) ~~When~~ If the applicant is not a corporation, ~~then~~ the signature ~~must~~ shall be witnessed by one other person.  
15 The address of the applicant shall be included in the agreement and the names of all witnesses and persons signing the  
16 agreement shall be typed directly below their signature.

17  
18 *History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;*  
19 *Eff. April 3, 1981;*  
20 *Amended Eff. October 1, 1993;*  
21 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02D .0104 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02D .0104 GUIDELINES - CURB CUTS AND RAMPS**

4 (a) Guidelines for the design and construction of curb cuts and ramps are available from the Highway Design Branch,  
5 ~~[Contracts, Standards, and Development Unit,]~~ Division of Highways, ~~[1020 Birch Ridge Drive, Door # 16,]~~ 1 S.  
6 Wilmington Street, Raleigh, North Carolina 27611 ~~[-27610,]~~ 27601, (919) 707-2500.

7 ~~(b) The guidelines are shall not be intended as precise specifications for the design and construction of curb cuts and~~  
8 ~~ramps. Sound engineering judgment shall be used to preserve the primary features of the guidelines.~~

9 ~~(c)(b) The~~ party or parties cutting an existing curb or constructing a new curb shall ensure that all work is in  
10 compliance with all applicable laws. city, county[ county,] or State having jurisdiction shall require conformance with  
11 the statutes (G.S. 136-44.14)[ G.S. 136-44.14] prior to permitting the encroachment for the construction  
12 [construction,] or prior to acceptance of the street onto its system.

13 ~~(d)(c) The~~ responsibility for providing the curb cut and ramp [ramp,] and all work necessary to comply with the  
14 applicable laws and rules [rules,] shall lie with [the] party [or parties] which [that] either causes an existing curb to be  
15 cut, or causes a new curb to be constructed.

16  
17 *History Note: Authority G.S. 136-44.14(c);*  
18 *Legislative Objection (a) Lodged Eff. August 19, 1980;*  
19 *Legislative Objection (a) Removed Eff. April 23, 1981;*  
20 *Eff. July 1, 1978;*  
21 *Amended Eff. December 1, 1993; April 3, 1981; April 11, 1980;*  
22 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02E .0413 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0413 PARADES ON HIGHWAY SYSTEM ROADS**

4 It shall be unlawful for any person, firm, organization, ~~school~~ school, or other group of persons to conduct or  
5 participate in a parade on ~~the main traveled lanes of~~ any street or highway of the ~~state highway system~~ State Highway  
6 System located outside the limits of a municipality.

7  
8 *History Note: Authority G.S. 136-18(5);*

9 *Eff. July 1, 1978;*

10 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02E .0414 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0414 PARKING VEHICLE FOR SALE OR DISTRIBUTION OF GOODS**

4 ~~It shall be unlawful for any person to park any vehicle on the right of way[ right of way] of any primary or secondary~~  
5 ~~highway[ highway,] or road of the State Highway System for the purpose of using said vehicle for the sale[ selling]~~  
6 ~~or distribution of[ distributing ]fruits, vegetables, goods, wares, or merchandise of any character and it[character. It]~~  
7 ~~shall be unlawful for any person to erect any stand or structure on the right of way[right of way] of any primary or~~  
8 ~~secondary highway[ highway,] or road of the State Highway System or System. It shall be unlawful to sell any fruits,~~  
9 ~~vegetables, goods, wares, or merchandise of any character from said a vehicle, stand, or structure structure, or from~~  
10 ~~any place on the right of way right-of-way of any primary or secondary highway highway, or road of the State Highway~~  
11 ~~System any fruits, vegetables, goods, wares or merchandise of any character. System.~~

12  
13 *History Note:* Authority G.S. 136-18(5);

14 Eff. July 1, 1978;

15 Readopted Eff. February 1, 2019.

1 19A NCAC 02E .0415 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0415 ADVERTISING SIGNS WITHIN ~~RIGHT-OF-WAY~~ RIGHT-OF-WAY**

4 It shall be unlawful for any person, ~~firm~~ firm, or corporation to ~~erect or place~~ erect, place, or allow any ~~advertising~~  
5 advertising, or other sign, except regulation traffic and warning signs approved by the ~~Department of Transportation,~~  
6 Department, on any highway or the ~~right-of-way~~ right-of-way thereof, or so as to overhang the ~~right of way,~~ right-of-  
7 way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on any highway ~~right~~  
8 ~~of way~~ right-of-way which is situated over any land owned, rented, ~~leased~~ leased, or claimed by such person, ~~firm~~  
9 firm, or corporation. ~~It shall be unlawful for any person, firm[ firm,] or other corporation that has erected, or placed,~~  
10 ~~or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm[ firm,]~~  
11 ~~or corporation owning, renting, leasing[ leasing,] or claiming any land over which a highway or highway right of way~~  
12 ~~[right of way] is situated, and on which highway or highway right of way [right of way] any advertising or other sign~~  
13 ~~has been erected or placed, to allow such advertising or other signs to remain on state [State] highway or right of way~~  
14 ~~[right of way] thereof.~~

15  
16 *History Note: Authority G.S. 136-18(10); 136-30;*  
17 *Eff. July 1, 1978;*  
18 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02E .0416 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0416 PRIVATE DRIVES OR ROADS INTERSECTING HIGHWAYS**

4 (a) It shall be unlawful to intersect the State highways with any private driveway or roadway, unless adequate drainage  
5 shall be is provided in a manner to be approved by the Department of ~~Transportation~~, Transportation, [Chief Engineer  
6 or the Chief Engineer's authorized agent,] and provided by the party responsible for the private driveway or roadway.  
7 ~~or to obstruct any drainage ditch within the right of way of any road or highway.~~

8 (b) It shall be unlawful to obstruct any drainage ditch within the right-of-way of any road or State highway.

9  
10 *History Note: Authority G.S. 136-18(10); 136-93;*

11 *Eff. July 1, 1978;*

12 *Readopted Eff. February 1, 2019.*

1 19A NCAC 02E .0417 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0417 COMMERCIAL ENTRANCES INTERSECTING WITH ~~RIGHT OF WAY~~**  
4 **RIGHT-OF-WAY**

5 It shall be unlawful to revise or construct any commercial entrances to intersect with the ~~right of way~~ right-of-way of  
6 any primary or secondary ~~highway~~ highway, or road of the State Highway ~~System until~~ System, unless a permit has  
7 first been obtained from the Department of ~~Transportation~~ Transportation, or its duly authorized agent ~~[agent,]~~ officers  
8 and employees, in accordance with the rules contained in 19A NCAC 2B, Section .0600, titled "Driveway Entrances".  
9 ~~[this Section.]~~

10  
11 *History Note: Authority G.S. 136-18(10); 136-93;*  
12 *Eff. July 1, 1978;*  
13 *Amended Eff. November 1, 1993; October 1, 1991;*  
14 *Readopted Eff. February 1, 2019.*



1 19A NCAC 02E .0422 is readopted as published in 33:07 NCR 642-643 with changes:

2  
3 **19A NCAC 02E .0422 USE OF RUNAWAY TRUCK RAMPS**

4 ~~No runaway truck ramp designated by signs shall be used for any purpose except to bring to a halt an out-of-control~~  
5 ~~vehicle.~~ It shall be unlawful for any operator of a motor vehicle, non-motorized vehicle, moped, bicycle, or any  
6 pedestrian or any person having custody or control of any animal or animal powered vehicle to park on, stand upon,  
7 ~~[obstruct] obstruct,~~ or otherwise use any runaway truck ramp, as designated by signs, except to bring an out-of-control  
8 vehicle to a halt. ramp designated by signs or the access thereto except as herein authorized.

9  
10 *History Note: Authority G.S. 136-18(5);*

11 *Eff. August 10, 1981;*

12 *Readopted Eff. February 1, 2019.*