



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

April 8, 2019

Rules Review Commission Members
c/o Amber Cronk May
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Re: Request for Extension of Readoption Deadline for Periodic Review of Rules
19A 02E .0201-.0204, .0206-.0210, .0212-.0215, .0224-.0226, .0601-.0604 and
.0608-.0611

Dear Commission Members:

The North Carolina Department of Transportation (NCDOT) has worked diligently to meet the deadlines set by the Rules Review Commission on the 107 rules for the periodic review process. The agency has successfully readopted 37 rules with 46 currently open for public comment with April 18, 2019 and May 16, 2019 public comment closing dates.

Pursuant to the Rules Review Commission's authority under NCGS 150B-21.3A(d), the NCDOT respectfully requests a 12-month extension of the readoption deadline for the remaining 24 above stated rules from August 31, 2019 to August 31, 2020.

These rules concern outdoor advertising and selective vegetation removal, which have a history of controversy and heavy debate coupled with a wide scope of advocacy ranging from environmental groups to the billboard industry. Public comments and meetings prove to be lively with large turnouts and highly spirited discussions.

Last week SB 534 was introduced, a bill designed to revise current outdoor advertising laws. The bill is attached for your review. If passed, the legislation would change the Department's statutory authority to regulate outdoor advertising and vegetation removal.

NCDOT is prepared to soon file the remaining rules in the North Carolina Register if this request is not granted. However, in the interest of good government and public policy that ensures a clear and unambiguous regulatory process, the Department requests this extension.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
SECRETARY'S OFFICE
1501 MAIL SERVICE CENTER
RALEIGH, NC 27699-1501

Telephone: (919) 707-2800
Fax: (919) 733-9150
Customer Service: 1-877-368-4968

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

Website: www.ncdot.gov

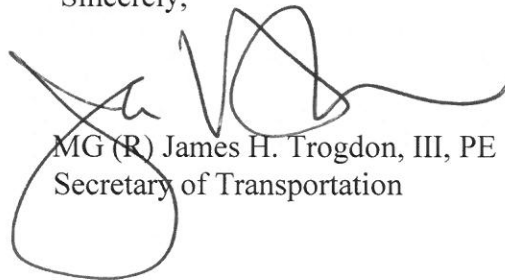
NCDOT does not feel it is in the best interest of our regulated public to seek comments on current rules that will change if the legislation is passed, only to reopen this process and start again soon thereafter with revised rules. This can be confusing to our regulated public and advocacy groups. The Department wants a transparent process that fosters clear rules within our statutory authority that does not bestow undue burden on our regulated public.

In addition, if the legislation is passed, the Department will need sufficient time to gather data for the changes in vegetation cutting near billboards across the state to revise the rules. This is a lengthy and methodical process to ensure the Department is being good stewards of taxpayer money while protecting the environment and working with the needs of the billboard industry.

Please know that the Department remains committed to the periodic review process and is prepared to move forward to soon file the rules for re-adoption in the North Carolina Register if the legislation does not pass in the current session. With the 12-month extension, the NCDOT can better fulfill the mission of an inclusive process to create a balanced and beneficial set of rules.

Thank you for your consideration. Should you have any questions, please contact Interagency Director/APA Coordinator Helen Landi or APA/Rulemaking Program Manager Hannah Jernigan at 919-707-2821.

Sincerely,



MG (R) James H. Trogdon, III, PE
Secretary of Transportation

Attachment

JHT/hl/hj

cc: Bobby Lewis, NCDOT Chief Operating Officer
Helen Landi, NCDOT Interagency Director/APA Coordinator
Hannah D. Jernigan, APA/Rulemaking Program Manager