

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation

RULE CITATION: 19A NCAC 01E .0221

DEADLINE FOR RECEIPT: Monday, July 8, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Much of (b) appears to be unnecessary as it appears to relate to contract provisions. To the extent that it is necessary, please review and simplify for purposes of clarity (please see .1106.)

What is the intent of lines 10-13, this language does not appear to provide direction to your regulated public. Is it necessary? Alternatively, is the intent here to say "go to our website to see the requirements of this program"? If so, that appears to be rulemaking outside of rulemaking and goes to my below concern on line 17.

Please consider revising lines 13-15 to say "The fee for participation in the Logo program shall be \$300.00 for each mainline, ramp, and trailblazer panel."

On line 17, what are the "program requirements"?

What is the intent of lines 17-18. It appears to be missing a word.

Why is 143B-350(f) included as authority here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 19A NCAC 02E .0221 is readopted as published in 33:18 NCR 1886-1889 as follows:

2
3 **19A NCAC 02E .0221 LOGO PROGRAM FEES**

4 (a) All ~~logo signs~~ signs, to which individual Logo Signing Program business panels are attached, shall be ~~constructed~~
5 ~~constructed, owned,~~ and maintained by the Department. ~~These logo signs shall be owned by the Department.~~ The
6 participating logo business shall pay an annual fee as set forth in this Rule, ~~established by the Board of Transportation.~~
7 ~~All logo contracts existing under prior administrative code provisions are terminated in accordance with the terms of~~
8 ~~those contracts. However, existing participants shall not be required to reapply, but shall be required to sign an~~
9 ~~appropriate contract in accordance with the new regulations in order to continue their participation.~~

10 (b) Owners, operators, or lessees of fuel, gas, food, lodging, camping, and attraction facilities who wish to place a
11 logo identifying their business or service on a sign as part of the Logo Signing Program may access, at no cost, the
12 following website for program administration information: [https://connect.ncdot.gov/resources/safety/Pages/Signing-](https://connect.ncdot.gov/resources/safety/Pages/Signing-and-Delineation.aspx)
13 and-Delineation.aspx. The fee for participation in the Logo program ~~is~~ shall be as follows: ~~Mainline, mainline, ramp,~~
14 ~~and trailblazer panels~~ are shall be billed an annual fee of three hundred dollars (\$300.00) per each mainline, ~~ramp~~
15 ~~ramp,~~ and trailblazer panel. The initial payment of the fee shall be paid prior to installation. The contract shall run
16 ~~runs~~ for one year from the date of installation. Contracts shall be renewed ~~annually~~ annually, and the fee ~~is~~ shall be
17 due at the contract renewal date. Every participating business that meets program requirements ~~has~~ shall have a valid
18 contract and ~~pays~~ all required fees shall be automatically renewed, ~~renewed except for provisional contracts which~~
19 ~~shall be reviewed by the Department annually prior to renewal.~~

20 (c) The participating logo business shall provide a new or renovated business panel when necessary due to damages
21 caused by acts of vandalism, accidents, or natural causes including natural deterioration. If the Department replaces
22 a business panel on a logo sign or removes or masks a business panel because of seasonal operation, there shall be no
23 additional charge to the business.

24 (d) The fee shall be paid by check or money order and ~~is~~ shall be due in advance of the period of service covered by
25 the fee. Failure to pay a fee when due ~~is~~ shall be grounds for removal of the business panels and termination of the
26 contract.

27
28 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750,*
29 *Subpart A; 23 U.S.C. 131(f);*
30 *Eff. April 1, 1982;*
31 *Amended Eff. July 1, 2000; August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992;*
32 *September 1, 1990;*
33 *Temporary Amendment Eff. October 13, 2003;*
34 *Amended Eff. February 1, 2004;*
35 *Readopted Eff. August 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation

RULE CITATION: 19A NCAC 01E .1103

DEADLINE FOR RECEIPT: Monday, July 8, 2019

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In reviewing this Rule, the staff recommends that the following technical changes be made:

Overall for Rules .1103, .1105, and .1106, what is the difference between a TODS, trailblazer, and TODS trailblazer (as noted on line 26)? Are these all the same thing? If so, please be consistent in your terminology. If not, please clarify somewhere (perhaps this information was in the definitions that expired?) I note that I don't see "trailblazer" in the authority – only TODS.

I'm so sorry for not catching this in the pre-review, but most of this Rule appears to be unnecessary as it repeats 136-140.19. Please review.

On line 5, please consider changing "following criteria" to "this Rule."

Is (1) necessary? It appears to recite 136-140.19(7).

In Item (1), "fully controlled" appears to be a statutory term. Do you need "fully"? I realize you changed this because of pre-review notes, but I'm thinking you may actually need this term.

In (4), please consider adding "in accordance with G.S. 136-140.16" after "eligible attraction"

Is the second sentence of (4) necessary? It appears to recite 136-140.19(5).

Is (5) necessary? It appears to recite 136-140.19(3) and (4).

Is (6) necessary? It appears to recite 136-140.19(6).

If it is necessary, in (6)(a) and (b), please change "shall be located" to "is located"

Is (7) necessary? It appears to recite 136-140.19(7).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Monday, June 24, 2019

1 19A NCAC 02E .1103 is readopted as published in 33:18 NCR 188-1889 as follows:

2
3 **19A NCAC 02E .1103 LOCATION OF TODS**

4 The Department shall ~~control~~ administer the erection and maintenance of official signs giving specific information of
5 interest to the traveling public in accordance with following criteria. ~~criteria~~:

- 6 (1) The Department shall limit the placement of TODS panels to highways, other than ~~fully~~ controlled
7 access highways that are either in rural unincorporated areas or in towns or cities with a population
8 of less than 40,000.
- 9 (2) The Department shall only erect panels at at-grade intersections. ~~intersections (at grade)~~. An at-
10 grade intersection is an intersection ~~which is~~ that is controlled by stop signs or traffic signals.
11 Trailblazers shall be installed ~~when an attraction is not located on a state highway and if~~ further
12 direction is needed to guide the tourist from the intersection to the attraction.
- 13 (3) ~~Panels~~ Panel placement shall be determined by the Department according to the located in a manner
14 to take advantage of natural terrain and to shall not block scenic vistas. ~~have the least impact on the~~
15 scenic environment.
- 16 (4) A separate sign panel shall be provided on the intersection approach for each eligible attraction.
17 Panels shall be allowed in each direction only when lateral spacing is available. The number of
18 TODS panels shall not exceed a total of six per approach with only one attraction name on each
19 TODS panel.
- 20 (5) The center of the mainline TODS intersection shall not be more than five driving miles from the
21 eligible attraction and shall not be placed where prohibited by local ordinance.
- 22 (6) If an attraction is not located directly on a State highway, ~~it is~~ shall be eligible for TODS panels
23 only if both of the following requirements are met:
- 24 (a) ~~It is the attraction shall be~~ located on a street that ~~directly~~ connects with a ~~state~~ State
25 maintained road; and road.
- 26 (b) ~~It is the attraction shall be~~ located so that only one TODS Trailblazer, placed on a ~~state~~
27 State maintained road, will lead the tourist to the attraction.
- 28 (7) Sign panels shall not be placed ~~immediately~~ in advance of the attraction if ~~its~~ on-premise advertising
29 signs are ~~readily~~ visible from the highway.
- 30 (8) TODS panels shall be located at least 200 feet in advance of the main intersection. Signs shall be
31 spaced at least 200 feet apart and at least 200 feet from other traffic control devices. TODS panels
32 shall not be located more than one-half (0.5) mile from the center of the main intersection and shall
33 not be placed in the signing sequence for any other prior intersections.
- 34 (9) ~~Existing warning, Warning, regulatory, guide~~ guide, or other official highway signs shall take
35 precedence over TODS.
- 36

1 *History Note:* *Authority* G.S. 136-89.56; ~~136-130;~~ 136-140.15; 136-140.16; 136-140.17; 136-140.18; ~~136-~~
2 ~~140.17; 136-140.18;~~ 136-140.19; ~~143B-346; 143B-348; 143B-350(f);~~
3 *Temporary Adoption Eff. January 1, 2003;*
4 *Eff. August 1, 2004;*
5 *Readopted Eff. August 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation

RULE CITATION: 19A NCAC 01E .1105

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In reviewing this Rule, the staff recommends that the following technical changes be made:

Please consider revising (b) to say "No message shall interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or similar device."

In (c), what is a trailblazer?

Just to be sure that I understand, the Department will make an approval determination based on the MUTCD? If so, I think it's fine, please just confirm.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 19A NCAC 02E .1105 is readopted as published in 33:18 NCR 1886-1889 as follows:

2
3 **19A NCAC 02E .1105 COMPOSITION OF SIGNS**

4 (a) No TODS panel shall be displayed in a manner which that would mislead or misinform the traveling public.

5 (b) Any messages that interfere with, imitate, or resemble any official warning or regulatory traffic sign, ~~signal~~ signal,
6 or similar device ~~are~~ shall be prohibited.

7 (c) Each ~~specific~~ TODS panel shall include only information ~~that is~~ related to that ~~specific~~ attraction.

8 (d) TODS panel and trailblazer designs shall be in conformance with the standards as specified in the MUTCD, as
9 defined in G.S. 136-130, and approved by the ~~Department~~ Department, prior to fabrication and shipment.

10
11 *History Note: Authority G.S. ~~136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-~~*
12 *~~140.19; 143B-346; 143B-348; 143B-350(f);~~*

13 *Temporary Adoption Eff. January 1, 2003;*

14 *Eff. August 1, 2004;*

15 *Readopted Eff. August 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation

RULE CITATION: 19A NCAC 01E .1106

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In reviewing this Rule, the staff recommends that the following technical changes be made:

This is up to you as we read Rules without titles, but do you want to add "TODS panel Fees" like you've done in .0221 for program logos fees?

In (a), what is a trailblazer?

In .0221 you've said the annual fee for a trailblazer is \$300. Here's you've said \$200.00. Are these different?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Monday, June 24, 2019

1 19A NCAC 02E .1106 is readopted as published in 33:18 NCR 1886-1889 as follows:

2
3 **19A NCAC 02E .1106 FEES**

4 (a) The annual fee for each TODS panel or Trailblazer shall be two hundred dollars (\$200.00).

5 (b) All participating businesses shall pay the annual fee prior to installation of the TODS panel(s).

6 (c) The annual fee shall be paid by check or money order and ~~is~~ due in advance of the period of service requested.
7 ~~covered by said fee.~~ Failure to pay a fee when due ~~is~~ shall be grounds for removal of the TODS panel. ~~panel and~~
8 ~~termination of the contract.~~

9
10 *History Note: Authority G.S. ~~136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-~~*
11 *~~140.19; 143B-348; 143B-350(f);~~*
12 *Temporary Adoption Eff. January 1, 2003;*
13 *Eff. August 1, 2004;*
14 *Readopted Eff. August 1, 2019.*