

Burgos, Alexander N

Subject: FW: Response to Request for Changes Pursuant to G.S. 150B-21.10

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, January 14, 2026 12:53 PM

To: Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Cc: McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>

Subject: RE: Response to Request for Changes Pursuant to G.S. 150B-21.10

Thank you.

These revised rules are final for review at January's RRC meeting.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: Response to Request for Changes Pursuant to G.S. 150B-21.10
Attachments: 14B NCAC 03. 0602 Required Foot Conversion.docx

From: Polk, Will (CCPS) <Will.Polk@ncdps.gov>
Sent: Wednesday, January 14, 2026 12:48 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>
Subject: RE: Response to Request for Changes Pursuant to G.S. 150B-21.10

Ok. Yes. The purpose of 14B NCAC 03 .0601 is to provide context for the rule in this part of the Admin Code.

I have made the requested change to 14B NCAC 03 .0602.

Best,
Will

Will Polk
Deputy General Counsel
NC Department of Public Safety
919-219-4534 (mobile) BEST NUMBER TO REACH ME
919-825-2706 (office)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov



North Carolina Department of
PUBLIC SAFETY

1 14B NCAC 03 .0602 is proposed for adoption as published in 40:08 NCR 712-713 as follows:

2

3 **14B NCAC 03. 0602 REQUIRED FOOT CONVERSION**

4 When ~~state~~ State ~~plane~~ Plane ~~coordinates~~ Coordinates and heights (elevation) are provided in feet, the conversion
5 between the foot and meter shall be based on the coordinate system used for determining the coordinates or height.
6 This requirement applies to horizontal plane and vertical coordinates, and to all values associated with or derived from
7 these coordinates. That includes, but is not limited to, distance, elevation, height, area, and volume, along with values
8 computed from the foot, such as the chain, pole, rod, mile, square mile, and acre. The following foot conversion shall
9 be used:

10 (1) The International Foot, 1 foot = 0.3048 meter exactly, when coordinates are based on the North
11 American Terrestrial Reference Frame of 2022 (NATRF2022) as described in ~~§102-1.2 of the North~~
12 ~~Carolina General Statutes~~ G.S. 102-1.2, and for all subsequent coordinate systems adopted by the
13 North Carolina Geodetic Survey or its successor.

14 (2) The International Foot, 1 foot = 0.3048 meter exactly, when heights are based on the North
15 American-Pacific Geopotential Datum of 2022 (NAPGD2022), and for all subsequent coordinate
16 systems adopted by the North Carolina Geodetic Survey or its successor.

17 (3) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter
18 approximately, when coordinates are based on the North American Datum of 1983 (NAD 83) or the
19 North American Datum of 1927 (NAD 27) as described in G.S. §102-1.1 or §102-1.2, respectively,
20 ~~of the North Carolina General Statutes~~.

21 (4) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter
22 approximately, when heights are based on the North American Vertical Datum of 1988 (NAVD 88)
23 or the National Geodetic Vertical Datum of 1929 (NGVD29).

24

25 *History Note:* Authority G.S. 102-1; 101-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9

26 *Eff. February 1, 2026*

Burgos, Alexander N

Subject: FW: Response to Request for Changes Pursuant to G.S. 150B-21.10

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, January 14, 2026 12:42 PM

To: Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Cc: McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>

Subject: RE: Response to Request for Changes Pursuant to G.S. 150B-21.10

Good afternoon,

Thank you for the responses and changes. Please see below.

14B NCAC 03 .0601

- Line 5, I'm asking why is this "Purpose" Rule necessary? Is it mainly to provide context for the subsequent rules?

14B NCAC 03 .0602

- Line 19, please delete the "§" before "102-1.1" and before "102-1".

I'm otherwise satisfied with these rules. Please reply all at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Rules, Oah
Subject: FW: Response to Request for Changes Pursuant to G.S. 150B-21.10
Attachments: 01_2026-Department of Public Safety-Request for Technical Changes-NCDPSresponse.docx; 14B NCAC 03 .0601 PURPOSE.docx; 14B NCAC 03. 0602 Required Foot Conversion.docx

From: Polk, Will (CCPS) <Will.Polk@ncdps.gov>
Sent: Wednesday, January 14, 2026 11:41 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>
Subject: Response to Request for Changes Pursuant to G.S. 150B-21.10

Good morning, Travis,

Please see NCDPS's response to the RRC request for changes pursuant to G.S. 150B-21.10. Please feel free to call me if you have any questions.

Best,
Will

Will Polk
Deputy General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-219-4534 (mobile) (BEST NUMBER TO REACH ME)
919-825-2706 (office)
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North Carolina Department of
PUBLIC SAFETY

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "association Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;; and"
 - Right: "day, day; and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Travis C. Wiggs
Commission Counsel
Submitted to agency: January 5, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0601

DEADLINE FOR RECEIPT: January 20, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Line 1, add “as published in 40:08 NCR 712” after “adoption”.

Line 5, why is this Rule necessary? The National Institute of Standards and Technology (NIST) and the National Geodetic Survey officially retired the United States (US) Foot on 12/31/2022. NIST recommends (<https://www.nist.gov/news-events/news/2023/01/new-years-eve-2023-marked-retirement-us-survey-foot>) that the US Foot only be used for historical and legacy applications (NC General Statute 102-1.1) and use International Foot for future datums. The purpose of the proposed rule is to incorporate NIST guidance into a North Carolina rule on when to use each foot in North Carolina to avoid costly and dangerous errors in surveying, engineering, construction, and other projects that use geospatial data.

Line 6, capitalize “rule.”

Line 7, consider adding a comma after “State” and deleting “of North Carolina.”

In the History Note, I’m seeing that G.S. 102-1.1 was repealed in 2023. How is that statute legal authority to promulgate this Rule? This statute was accidentally repealed in Session Law 2023-92, s. 2(a) when the new G.S. 102-1.2 was added in 2023 in the same Session Law 2023-92, s 2(b). G.S. 102-1.1 was reinstated in Session Law 2025-51, s. 57 at the request of NC Emergency Management-Geodetic Survey. The 1983 Datum (NAD 83) and (NAVD 88) are still the official horizontal and vertical datums for federal surveying and mapping in the United States and remain the standard for surveying, cartography, and land use planning.

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

Travis C. Wiggs

Commission Counsel

Submitted to agency: January 5, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 03 .0602

DEADLINE FOR RECEIPT: January 20, 2026

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Lines 1, add “as published in 40:08 NCR 712-713” after “adoption”.

Line 4, is “state” referring to the State of North Carolina? If so, capitalize “state”. State shouldn’t be capitalized. Line 4 refers to state plane coordinates, which are numeric values that denote the location of a monument, feature, or property corner. State plane coordinates are usually denoted as Northing and Eastings or X and Y coordinates. State in this context should be capitalized as it is the proper name for the State Plane Coordinate System (SPCS) and not the State of North Carolina.

Here is a website that explains it for your review: <https://www.usgs.gov/faqs/what-state-plane-coordinate-system-can-gps-provide-coordinates-these-values>

A history note, NC is the birthplace of the state plane coordinate system. NC was the first state to develop and use a state plane coordinate system in 1932-33.

Travis C. Wiggs
Commission Counsel
Submitted to agency: January 5, 2026

Line 10, replace “§102-1.2 of the North Carolina General Statutes” with “G.S. 102-1.2”.

Line 7, consider adding a comma after “State” and deleting “of North Carolina.”

Lines 18-19, replace “§102-1.1 or §102-1, respectively, of the North Carolina General Statutes” with “G.S. 102-1.” Again, it appears to me that G.S. 102-1.1 was repealed.

In the History Note, I’m seeing that G.S. 102-1.1 was repealed in 2023. How is that statute legal authority to promulgate this Rule? This statute was accidentally repealed in Session Law 2023-92, s. 2(a) when the new G.S. 102-1.2 was added in 2023 in the same Session Law 2023-92, s 2(b). G.S. 102-1.1 was reinstated in Session Law 2025-51, s. 57 at the request of NC Emergency Management-Geodetic Survey. The 1983 Datum (NAD 83) is still the official horizontal datum for federal surveying and mapping in the United States and remains the standard for surveying, cartography, and land use planning.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: January 5, 2026

1 14B NCAC 03 .0601 is proposed for adoption as published in 40:08 NCR 712 as follows:

2

3 **SECTION .0600 – U.S. SURVEY FOOT/INTERNATIONAL FOOT**

4

5 **14B NCAC 03 .0601 PURPOSE**

6 The purpose of this ~~rule~~ Rule is to provide guidance to government agencies, and the engineering, surveying,
7 construction, agriculture, mapping, and geospatial industries in the State, ~~of North Carolina~~ on when to use the United
8 States Survey Foot and the International Foot.

9

10 *History Note:* *Authority G.S. 102-1; 102-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9*

11 *Eff. February 1, 2026*

12

1 14B NCAC 03 .0602 is proposed for adoption as published in 40:08 NCR 712-713 as follows:

2

3 **14B NCAC 03. 0602 REQUIRED FOOT CONVERSION**

4 When ~~state~~ State ~~plane~~ Plane ~~coordinates~~ Coordinates and heights (elevation) are provided in feet, the conversion
5 between the foot and meter shall be based on the coordinate system used for determining the coordinates or height.
6 This requirement applies to horizontal plane and vertical coordinates, and to all values associated with or derived from
7 these coordinates. That includes, but is not limited to, distance, elevation, height, area, and volume, along with values
8 computed from the foot, such as the chain, pole, rod, mile, square mile, and acre. The following foot conversion shall
9 be used:

10 (1) The International Foot, 1 foot = 0.3048 meter exactly, when coordinates are based on the North
11 American Terrestrial Reference Frame of 2022 (NATRF2022) as described in ~~§102-1.2 of the North~~
12 ~~Carolina General Statutes~~ G.S. 102-1.2, and for all subsequent coordinate systems adopted by the
13 North Carolina Geodetic Survey or its successor.

14 (2) The International Foot, 1 foot = 0.3048 meter exactly, when heights are based on the North
15 American-Pacific Geopotential Datum of 2022 (NAPGD2022), and for all subsequent coordinate
16 systems adopted by the North Carolina Geodetic Survey or its successor.

17 (3) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter
18 approximately, when coordinates are based on the North American Datum of 1983 (NAD 83) or the
19 North American Datum of 1927 (NAD 27) as described in G.S. §102-1.1 or ~~§102-1.1, respectively,~~
20 ~~of the North Carolina General Statutes.~~

21 (4) The U.S. Survey Foot, 1 foot = 1200/3937 meter exactly or 1 foot = 0.304800609601219 meter
22 approximately, when heights are based on the North American Vertical Datum of 1988 (NAVD 88)
23 or the National Geodetic Vertical Datum of 1929 (NGVD29).

24

25 *History Note:* *Authority G.S. 102-1; 101-1.1; 102-1.2; 102-1.3; 102-2; 102-8; 102-9*

26 *Eff. February 1, 2026*

Burgos, Alexander N

Subject: FW: NCDPS- Permanent Rules Submitted to RRC for Approval

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Tuesday, January 6, 2026 10:06 AM

To: Polk, Will (CCPS) <Will.Polk@ncdps.gov>; McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: NCDPS- Permanent Rules Submitted to RRC for Approval

Good morning,

There was a typo on the RTC's I sent yesterday. The second rule is .0602.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Polk, Will (CCPS)
Sent: Monday, January 5, 2026 3:51 PM
To: Wiggs, Travis C; McDonald, Margaret (CCPS)
Cc: Burgos, Alexander N
Subject: RE: NCDPS- Permanent Rules Submitted to RRC for Approval

Good afternoon, Mr. Wiggs,

This is to let you know that DPS has received your email asking for changes to the rules we submitted.

Best,
Will

Will Polk
Deputy General Counsel
NC Department of Public Safety
919-219-4534 (mobile) BEST NUMBER TO REACH ME
919-825-2706 (office)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov



North Carolina Department of
PUBLIC SAFETY

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, January 5, 2026 3:09 PM
To: Polk, Will (CCPS) <Will.Polk@ncdps.gov>; McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NCDPS- Permanent Rules Submitted to RRC for Approval

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Department of Public Safety for the January 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, January 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on January 20, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Polk, Will (CCPS) <Will.Polk@ncdps.gov>
Sent: Tuesday, December 16, 2025 2:34 PM
To: OAH Rules-RRC <oah.rulesrrc@oah.nc.gov>
Cc: McDonald, Margaret (CCPS) <margaret.mcdonald@ncdps.gov>
Subject: NCDPS- Permanent Rules Submitted to RRC for Approval

Dear OAH,

Please see the attached Permanent Rule Form 0400 documents with corresponding rules, as adopted by the North Carolina Department of Public Safety today, December 16, 2025. These rules are respectfully submitted for review and anticipated approval by the Rules Review Commission. I attempted to file these rules via the electronic filing system but was unable to locate a drop-down option for the Permanent Rule Form. Please let me know if I should submit the rules in another more appropriate manner.

I look forward to your feedback, if any, in advance of the January 2026 RRC meeting.

Thank you,

Will Polk

Will Polk
Deputy General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-219-4534 (mobile) (BEST NUMBER TO REACH ME)
919-825-2706 (office)
EMAIL ADDRESS:Will.Polk@ncdps.gov



North Carolina Department of
PUBLIC SAFETY

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