

Burgos, Alexander N

From: Ascher, Seth M
Sent: Thursday, July 23, 2026 12:44 PM
To: NCDOT Service Account - Rulemaking
Cc: Burgos, Alexander N
Subject: Re: Periodic Review - 19A NCAC 01,04,05,06
Attachments: Staff Opinion-Readoption Deadlines July 2026.docx

Thank you for your timely response. I will recommend the readoption dates your propose at the upcoming RRC meeting on July 30th, beginning at 10:00 AM. If anyone from your agency needs an evite to participate remotely, please let us know.

I have attached the staff opinion I will be recommending. Let me know if you have any questions.

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: Thursday, July 16, 2026 2:11 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Re: Periodic Review - 19A NCAC 01,04,05,06

Hi Seth,

The North Carolina Department of Transportation respectfully requests that the readoption date for the rules in 19A NCAC 01, 04, and 05 be set as November 1, 2030, and the readoption date for the rules in 19A NCAC 06 be set as May 1, 2031.

The total number of rules for either readoption, amendment, or repeal are 72.

READOPTION PLAN FOR CHAPTERS 01, 04, 05

Step	Completed on or before
Prepare or Obtain a Fiscal Note, if Necessary (G.S. 150B-21.2(a)(2))	January 31, 2030
Publish Notice of Text in NC Register (G.S. 150B-21.2(a)(1))	June 1, 2030
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))	August 1, 2030
Adopt the Rules (G.S. 150B-21.2.(g))	November 1, 2030

READoption PLAN FOR CHAPTER 06

Step	Completed on or before
Prepare or Obtain a Fiscal Note, if Necessary (G.S. 150B-21.2(a)(2))	July 31, 2030
Publish Notice of Text in NC Register (G.S. 150B-21.2(a)(1))	December 1, 2030
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))	February 1, 2031
Adopt the Rules (G.S. 150B-21.2.(g))	May 1, 2031
Submit the Rules to RRC (G.S. 150B-21.2.(g))	Within 30 days of adoption

1. Chapters 01, 04, 05, and 06 serve as the foundation of Title 19A, representing a significant segment of its regulatory framework. While Title 19A addresses various transportation methods, these specific chapters concentrate on essential elements of departmental governance. They establish the Department's organizational structure, specify administrative procedures for rulemaking and declaratory decisions, and delineate the Secretary of Transportation's duties. In addition, these chapters provide detailed guidance for transit, rail, and aviation operations.

2. The agency had all six chapters of periodic review due to the RRC within a four-month period, all of which 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 02	September 2025	October 1, 2031 (approved by RRC)	259
Department of Transportation	19A NCAC 01	August 2025	November 1, 2030	11
Department of Transportation	19A NCAC 04	August 2025	November 1, 2030	7
Department of Transportation	19A NCAC 05	August 2025	November 1, 2030	27
Department of Transportation	19A NCAC 06	August 2025	May 1, 2031	27

Rulemaking Priorities

1. 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: Monday, June 1, 2026 at 3:50 PM
To: NCDOT Service Account - Rulemaking <Rulemaking@ncdot.gov>
Subject: Re: Periodic Review - 19A NCAC 01,04,05,06

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 July 31, 2026. As a starting point and given the size of this ruleset, I would recommend a November 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: Thursday, April 30, 2026 1:46 PM
To: NCDOT Service Account - Rulemaking <Rulemaking@ncdot.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review - 19A NCAC 01,04,05,06

Good afternoon,

The determinations in the attached periodic review report for 19A NCAC 01,04,05,06 were effective October 29, 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

Publications Coordinator

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