

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 2A - GENERAL ADMINISTRATION	SECTION .0100 - STATE HIGHWAY ADMINISTRATOR	19A NCAC 02A .0102	DUTIES OF CHIEF ENGINEER	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SUBCHAPTER 2B - HIGHWAY PLANNING	SECTION .0100 - RIGHT OF WAY	19A NCAC 02B .0114	NEGOTIATION WITH DEPARTMENT OF TRANSPORTATION EMPLOYEES	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0129	NO OBLIGATION OTHER THAN IN AGREEMENT WILL BE RECOGNIZED	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0131	CONDITIONS PRECEDENT TO CONDEMNATION	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0132	NOTICE TO OWNER OF INTENT TO CONDEMN	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0133	NOTICE TO DISPLACEES TO VACATE	Amended Eff. October 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	49 CFR 24.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0138	DISPOSITION OF IMPROVEMENTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0139	PUBLIC SALE OF IMPROVEMENTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0141	DISPOSITION OF IMPROVEMENTS BY MOVING CONTRACT	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0142	REMOVAL OF GRAVES OR CEMETERIES	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0143	THE SALE OF SURPLUS LANDS	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0144	SALES OF SURPLUS LANDS	Amended Eff. October 1, 1991	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0145	COPIES OF FORMS	Amended Eff. November 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0150	CONSTRUCTION OF RAILROAD TRACKS ACROSS RIGHT OF WAY	Amended Eff. December 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0152	SIGNALIZATION OF EXISTING GRADE CROSSING	Amended Eff. December 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0153	SIGNALIZATION OF NEW GRADE CROSSING	Amended Eff. December 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0154	COST OF RAILROAD SEPARATION STRUCTURES	Eff. July 1, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0155	CONSTRUCTION AND MAINTENANCE OF RAILROAD CROSSINGS	Amended Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0156	PAVING OF ROADWAY SURFACE CROSSING RAILROAD TRACKS	Amended Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0157	COST OF CHANGING ELEVATION OF RAILROAD FACILITIES	Amended Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02B .0158	CHANGING GRADE OF ROAD WHEN GRADE OF RR TRACKS IS CHANGED	Amended Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 646B Subpart B	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0164	USE OF RIGHT OF WAY CONSULTANTS	Amended Eff. December 1, 2012	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	49 CFR18.36 Procurement CFR 710.201 (H) 23	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0165	ASBESTOS CONTRACTS WITH PRIVATE FIRMS	Amended Eff. December 1, 2012	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	49 CFR18.36 Procurement CFR 710.201 (H) 23	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0200 - TRAFFIC ENGINEERING	19A NCAC 02B .0202	DEFINITIONS	Amended Eff. November 1, 1991	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0203	RESPONSIBILITY FOR TRAFFIC CONTROL DEVICES	Amended Eff. November 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0208	UNIFORM TRAFFIC CONTROL DEVICES	Amended Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0212	PARKING SIGNS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0213	TRUCK ROUTE DESIGNATION	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0215	SHOPPING CENTER SIGNS	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0216	STREET NAME SIGNS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0217	ALL AMERICA CITY SIGNS	Amended Eff. January 1, 1995	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0218	RAILROAD NAME SIGNS ON OVERPASSES	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0220	FIRE DISTRICT SIGN	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0221	GENERAL MOTORIST SERVICES SIGNS	Amended Eff. July 1, 1995	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0224	TELEPHONE SIGNS	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0225	BLUE STAR MEMORIAL HIGHWAY SIGNS	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0227	COMMUNITY WATCH SIGNS	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0229	SIGNAL EQUIPMENT (STATE MUNICIPAL SYSTEM)	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0231	FIRE ZONE (STATION) SIGNALS (STATE MUNICIPAL SYSTEM)	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0232	SCHOOL FLASHERS (STATE MUNICIPAL SYSTEM)	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02B .0233	UPGRADING EXISTING SIGNALS (STATE MUNICIPAL SYSTEM)	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0240	CHANNELIZATION FOR ENTRANCES AND EXITS TO PROPERTY	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0241	PLACEMENT OF HISTORICAL MARKERS IN ROW	Amended Eff. December 1, 2012	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02B .0242	NC ROUTE NUMBERS	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0243	RAILROAD GRADE CROSSING SIGNS, SIGNALS, AND GATES	Eff. August 1, 1998	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR 655.603	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0300 - CHIEF ENGINEER - PROGRAMS	19A NCAC 02B .0304	SECONDARY ROAD NUMBERS	Amended Eff. July 26, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0305	SOURCE AND PURPOSE - POWELL BILL	Amended Eff. July 26, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0306	ESTABLISHING ELIGIBILITY - POWELL BILL	Amended Eff. July 26, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0309	SOURCE AND PURPOSE - PL (METROPOLITAN PLANNING) FUNDS	Amended Eff. March 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 104(d); 23 USC 134	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0310	RECIPIENTS OF FUNDS - PL (METROPOLITAN PLANNING) FUNDS	Amended Eff. July 26, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 104(d); 23 USC 134	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0311	ALLOCATION OF FUNDS - PL (METROPOLITAN PLANNING) FUNDS	Amended Eff. July 26, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 104(f); 23 USC 134	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0312	MATCHING - PL (METROPOLITAN PLANNING) FUNDS	Amended Eff. July 26, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 104	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0313	PROGRAMMING - PL (METROPOLITAN PLANNING) FUNDS	Amended Eff. November 1, 1991	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 134	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0314	ADMINISTRATIVE AGREEMENT - PL (METROPOLITAN PLANNING) FUNDS	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 134	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0315	NEGOTIATION WITH MUNICIPALITIES AND MUNICIPAL AGREEMENTS	Amended Eff. December 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 645 and 710	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0316	PERSONAL PROPERTY NOT TO BE ACQUIRED	Transferred and Recodified from 19A NCAC 2B .0124 Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR 24 Subpart B (24.101)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0317	IMPLEMENTATION OF ROADWAY CORRIDOR OFFICIAL MAPS	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0400 - RELOCATION ASSISTANCE PROCEDURES	19A NCAC 02B .0432	RELOCATION ASSISTANCE	Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR 24 and 23 CFR Subpart C	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0433	APPLICABILITY	Eff. October 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0500 - UTILITY ENCROACHMENTS	19A NCAC 02B .0501	DEFINITIONS	Amended Eff. October 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 645.207	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0502	PERMISSION REQUIRED FOR ENCROACHMENT	Eff. April 3, 1981	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 645.215	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0503	APPLICATION FOR UTILITY ENCROACHMENTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 645.213	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0504	APPROVAL OF UTILITY ENCROACHMENT	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0506	RESPONSIBILITY FOR EXISTING UTILITIES	Eff. April 3, 1981	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0507	EXECUTION OF UTILITY AGREEMENT	Amended Eff. October 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02B .0508	BOND MAY BE REQUIRED	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0509	AGREEMENTS DURING CONSTRUCTION	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0510	VEGETATION IN ENCROACHMENT AGREEMENTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0511	NOTICE REQUIRED BEFORE WORK BEGINS	Eff. April 3, 1981	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0512	NOTIFICATION REQUIRED UPON COMPLETION OF WORK	Eff. April 3, 1981	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0513	FINAL INSPECTION: FINAL REPORTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0515	RELOCATION OF UTILITIES ENCOUNTERED IN HIGHWAY IMPROVEMENTS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0600 - DRIVEWAY ENTRANCES	19A NCAC 02B .0601	DRIVEWAYS IN HIGHWAY RIGHT OF WAY - GENERAL	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0602	OBTAINING A DRIVEWAY CONSTRUCTION PERMIT	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0603	DRIVEWAY PERMITS FOR SPECIAL COMMERCIAL PROPERTY	Amended Eff. January 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02B .0604	APPROVAL OF APPLICATION	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02B .0605	APPLICATION REVIEW PERIOD	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SUBCHAPTER 2C - SECONDARY ROADS SECTION	SECTION .0100 - SECONDARY ROADS	19A NCAC 02C .0101	GENERAL DEFINITIONS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0102	MINIMUM STANDARDS FOR SECONDARY ROADS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0103	ADDITION OF ROADS TO THE SECONDARY ROAD SYSTEM	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0104	IMPROVEMENT OF ROADS ADDED TO THE HIGHWAY SYSTEM	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0105	PROPERTY OWNER PARTICIPATION PAVING	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0106	PRIORITY RATINGS FOR PAVING SECONDARY ROADS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0108	ACQUISITION OF RIGHT OF WAY FOR SECONDARY ROADS	Amended Eff. January 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0109	RIVER ROAD OR MOUNTAIN DEVELOPMENTS	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0110	IMPROVEMENTS FOR INDUSTRIAL: MANUFACTURING PROJECTS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0111	COUNTY LANDFILL ROADS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0112	STATEMENT OF POLICY	Amended Eff. December 29, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
19A NCAC 02C .0114	SCHOOL BUS DRIVES AND SCHOOL BUS PARKING AREAS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note		
19A NCAC 02C .0115	RURAL VOLUNTEER FIRE AND RESCUE SQUAD FACILITIES	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note		
	SECTION .0200 - MINIMUM DESIGN AND CONSTRUCTION CRITERIA FOR SUBDIVISION STREETS	19A NCAC 02C .0201	DEFINITIONS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
19A NCAC 02C .0202		APPLICATION REQUIREMENTS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note	
19A NCAC 02C .0203		REQUIREMENTS/ADDITION OF SUBDIVISION ROADS TO THE SYSTEM	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note	

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02C .0204	UTILITY REQUIREMENTS FOR SUBDIVISION ROADS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0205	DRAINAGE REQUIREMENTS FOR SUBDIVISION ROADS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0212	ISLANDS OR SHORT MEDIANS AT SUBDIVISION ENTRANCES	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02C .0213	SUBDIVISION NAME MARKERS	Amended Eff. December 29, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SUBCHAPTER 2D - HIGHWAY OPERATIONS	SECTION .0100 - STANDARDS FOR DESIGN AND CONSTRUCTION	19A NCAC 02D .0102	MINIMUM SIZE OF SURFACE DRAINAGE PIPELINE	Amended Eff. January 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0104	GUIDELINES - CURB CUTS AND RAMPS	Amended Eff. December 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 35.151 New Construction and Alteration: (i) Curb Ramps	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0200 - LANDSCAPE	19A NCAC 02D .0201	COOPERATION WITH PROPERTY OWNERS	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0202	CONDITIONAL COOPERATION	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0203	PLANTING PLANS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0400 - FIELD OPERATIONS - MAINTENANCE AND EQUIPMENT	19A NCAC 02D .0402	CURB AND GUTTER AND UNDERGROUND DRAINAGE ON HIGHWAYS	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0403	USE OF DUST ALLAYING MATERIALS	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0404	MAINTENANCE WITHIN MUNICIPALITIES	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0405	EXAMPLES OF CONSTRUCTION AND MAINTENANCE ACTIVITIES	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0406	CONSTRUCTION AND MAINTENANCE OF SIDEWALKS	Amended Eff. May 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 133 and 217	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0408	TEMPORARY BRIDGE WEIGHT LIMITS AND CLOSINGS	Eff. July 1, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart C-national bridge inspection standards 650.301	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0410	RENTAL OF SUPPLEMENTAL EQUIPMENT	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0414	LOCATION OF GARBAGE COLLECTION CONTAINERS	Amended Eff. March 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0415	GENERAL REGULATIONS FOR DRAWBRIDGES	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 117-820 and 117.8423	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0421	INSTALLATION OF DRIVEWAY PIPE	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0423	PLANTING ON CONTROLLED-ACCESS FACILITIES	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02D .0424	PLANTING ON OTHER FACILITIES	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0425	FEDERAL DISASTER ASSISTANCE	Amended Eff. April 1, 1997	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Section 125; 44 CFR	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0500 - FERRY OPERATIONS	19A NCAC 02D .0501	GENERAL	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0502	TICKET CONDITIONS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0503	CARRIER	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0504	HAND BAGGAGE	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.285	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0505	NOTICE OF CANCELLATION	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0506	COMPLETION OF VOYAGE	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0507	SUBSTITUTE VESSELS	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0508	DEFINITION OF LANDING	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.205	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0509	RESPONSIBILITY OF VESSEL MASTER	Amended Eff. November 1, 1991	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	49 CFR 109.109	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0510	MEDICAL CARE	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	46 CFR Volume 1 4.05-1	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0511	LIABILITY LIMITATIONS	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0512	PERSONAL PROPERTY	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.285	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0513	THEFT	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0514	BAGGAGE	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.285	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0515	LOSS CLAIMS	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02D .0516	INSURANCE BENEFIT	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0517	RIGHT TO REFUSE TRANSPORT; PERSONS	Amended Eff. December 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.255-f.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0518	COMPLIANCE WITH RULES AND REGULATIONS	Amended Eff. December 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 101, 104, 105	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0519	RIGHT TO REFUSE TRANSPORT; CARGO	Amended Eff. December 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 295	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0520	BRAKES	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0521	OPERATION OF VEHICLE BY CARRIER EMPLOYEES	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0522	INOPERATIVE VEHICLES	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0523	LIVESTOCK	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0524	DOGS, AND OTHER HOUSEHOLD PETS AND WILD ANIMALS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0525	NO LIABILITY ASSUMED BY CARRIER	Amended Eff. November 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0526	BABY CARRIAGES	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0527	CORPSES	Eff. July 1, 1978	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0528	EXCESS HAND BAGGAGE	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 104.268.f-2, 105.255.f-2	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0529	BAGGAGE IN VEHICLES	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 105.f-2	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0530	RIGHT TO REFUSE	Amended Eff. December 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	33 CFR 104.255.f-2	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0531	FREE OPERATIONS	Amended Eff. July 7, 2014	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02D .0532	TOLL OPERATIONS	Amended Eff. July 7, 2014	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02D .0533	TICKET LIMITS	Amended Eff. December 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	CG-815 (REV 4-200000xv2)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02D .0534	REDEMPTION OF TICKETS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0535	FERRY RESERVATIONS	Eff. July 1, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the	46 CFR Volume 1 and 15.705	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0536	MAIL TRUCKS	Eff. July 1, 1978	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	46 CFR Volume 7 and 170.105	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0537	FERRY SCHEDULES	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0538	VEHICLE WEIGHT LIMITATIONS	Amended Eff. November 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0539	VEHICLE PHYSICAL DIMENSION LIMITATIONS	Amended Eff. December 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0600 - OVERSIZE-OVERWEIGHT PERMITS	19A NCAC 02D .0601	PERMITS-AUTHORITY, APPLICATION AND ENFORCEMENT	Amended Eff. December 1, 2012	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 658	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0602	PERMITS-ISSUANCE AND FEES	Amended Eff. August 1, 2002	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 658	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0607	PERMITS-WEIGHT, DIMENSIONS AND LIMITATIONS	Amended Eff. August 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 658	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0612	PERMITS - HOUSE MOVES	Amended Eff. August 1, 2002	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 658	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0633	DENIAL: REVOCATION: REFUSAL TO RENEW: APPEAL: INVALIDATION	Amended Eff. December 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 658	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0643	ESCORT VEHICLE DRIVER CERTIFICATION	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .0644	OVERSIZE-OVERWEIGHT LOAD ESCORT VEHICLE OPERATOR CERTIFICATION PROGRAM	Amended Eff. April 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0700 - HIGHWAY DESIGN BRANCH	19A NCAC 02D .0702	HIGHWAY SYSTEM LIMITATIONS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0704	APPLICATION PROCEDURES	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0705	REVIEW PROCEDURES	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0707	PERMIT FORM	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0708	WARNING SIGNS	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0709	APPEAL PROCEDURES	Amended Eff. December 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0800 - PREQUALIFICATION: ADVERTISING AND BIDDING REGULATIONS	19A NCAC 02D .0801	PREQUALIFYING TO BID: REQUALIFICATION	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.110	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0803	ADVERTISEMENT AND INVITATIONS FOR BIDS	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.112	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0805	COMBINATION BIDS	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.111	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0806	INTERPRETATION OF QUANTITIES IN PROPOSAL FORM	Amended Eff. February 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0807	EXAMINATION OF PLANS: SPECS: CONTRACT: AND SITE OF WORK	Amended Eff. February 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0810	DELIVERY OF BIDS	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.113	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0812	RECEIPT AND OPENING OF BIDS	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.113	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0818	NON-COLLUSION AFFIDAVIT AND CERTIFICATIONS	Amended Eff. February 1, 2008	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 635.112(f)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0820	CANCELLATION OF AWARD	Amended Eff. October 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .0825	CONFIDENTIALITY OF COST ESTIMATES	Amended Eff. February 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	19A NCAC 02D .0827	SUBSURFACE INFORMATION	Amended Eff. February 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note	
	19A NCAC 02D .0830	DEFINITIONS	Amended Eff. February 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note	
	SECTION .1000 - ADOPT-A-HIGHWAY PROGRAM	19A NCAC 02D .1001	PURPOSE	Eff. November 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .1002	DEFINITIONS	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .1003	PARTICIPATION IN THE PROGRAM	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .1004	AGREEMENT	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .1005	RESPONSIBILITIES OF PROGRAM PARTICIPANTS AND DEPARTMENT	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02D .1006	GENERAL LIMITING CONDITIONS	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02D .1007	MODIFICATION/RENEWAL/TERMINATION OF THE AGREEMENT	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .1100 - DISADVANTAGED BUSINESS ENTERPRISE, MINORITY BUSINESS ENTERPRISE AND WOMEN BUSINESS ENTERPRISE PROGRAMS FOR HIGHWAY AND BRIDGE CONSTRUCTION	19A NCAC 02D .1101	PURPOSE AND SCOPE	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1102	DEFINITIONS	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1103	CERTIFICATION OF FIRMS	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1104	RENEWAL OF CERTIFICATION	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1105	CHANGE IN OWNERSHIP OR CONTROL	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1106	DECERTIFICATION	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1107	APPEALS OF DENIAL OF CERTIFICATION	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1108	GOALS	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1109	COUNTING PARTICIPATION TOWARD MEETING THE GOAL	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1110	NON-ATTAINMENT OF GOALS	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1111	PERFORMANCE RELATED REPLACEMENT OF ELIGIBLE FIRMS	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02D .1112	REPLACEMENT OF A FIRM REMOVED BY DECERTIFICATION	Amended Eff. February 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	49 CFR Part 26	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SUBCHAPTER 2E - MISCELLANEOUS OPERATIONS	SECTION .0100 - TORT CLAIMS	19A NCAC 02E .0101	CLAIMS INVOLVING THE DIVISION OF HIGHWAYS	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0102	ACCIDENTS INVOLVING STATE-OWNED VEHICLES OR EQUIPMENT	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0200 - OUTDOOR ADVERTISING	19A NCAC 02E .0201	DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0202	AGREEMENT	Amended Eff. December 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0203	OUTDOOR ADVERTISING ON CONTROLLED ROUTES	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02E .0204	LOCAL ZONING AUTHORITIES	Amended Eff. December 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0206	APPLICATIONS	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0207	FEES AND RENEWALS	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0208	PERMIT AND PERMIT EMBLEM	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0209	TRANSFER OF PERMIT/CHANGE OF ADDRESS	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0210	REVOCAION OF OUTDOOR ADVERTISING PERMIT	Amended Eff. November 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19 NCAC 02E .0212	NOTICE GIVEN FOR REVOKING PERMIT	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E.0213	APPEAL OF DECISION OF DISTRICT ENGINEER TO SEC. OF TRANS.	Amended Eff. August 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0214	STANDARDS FOR DIRECTIONAL SIGNS	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart B-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0215	PERMITS FOR DIRECTIONAL SIGNS	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart B-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0216	SPECIFIC SERVICE SIGNING (LOGO) PROGRAM	Amended Eff. January 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0219	ELIGIBILITY FOR PROGRAM	Amended Eff. October 1, 2014	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .0220	COMPOSITION OF BUSINESS PANELS AND LOGO SIGNS	Amended Eff. January 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .0221	FEES	Amended Eff. February 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0223	APPEAL OF DECISION OF DIVISION ENGINEER TO SECRETARY	Amended Eff. October 1, 1993	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .0224	SCENIC BYWAYS	Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 162	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0225	REPAIR/MAINTENANCE/ALTERATION OF SIGNS	Amended Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0226	ORDER TO STOP WORK ON UNPERMITTED OUTDOOR ADVERTISING	Eff. August 1, 2000	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - JUNKYARD CONTROL	19A NCAC 02E .0301	UNZONED INDUSTRIAL AREA	Amended Eff. December 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 136	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0303	FEES	Amended Eff. December 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0400 - FIELD OPERATIONS - MAINTENANCE AND EQUIPMENT	19A NCAC 02E .0402	PLING OBSTRUCTIONS ON HIGHWAYS OR WITHIN RIGHT OF WAY	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0403	DEPOSITING MUD ON STATE HIGHWAYS	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0404	HIGHWAY OBSTRUCTIONS INTERFERING WITH TRAFFIC/MAINTENANCE	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02E .0405	MOVING VEHICLES WHICH DAMAGE SURFACE OR SHOULDER	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0406	VEHICLES SERVED BY SERVICE STATION	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0407	CONTROL AND REGULATION OF ROADSIDE PARKS AND REST AREAS	Amended Eff. October 1, 1991	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 CFR Part 1.23(b), 752.5; and Part 752.7	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0408	FISHING FROM BRIDGES	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0409	OPERATING NONMOTORIZED VEHICLES	Amended Eff. June 15, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0410	HITCHHIKING ON INTERSTATE OR CONTROLLED ACCESS HIGHWAYS	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0411	JUMPING FROM BRIDGES	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0412	AIRCRAFT LANDING AND TAKING OFF ON HIGHWAYS	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0413	PARADES ON HIGHWAY SYSTEM ROADS	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0414	PARKING VEHICLE FOR SALE OR DISTRIBUTION OF GOODS	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0415	ADVERTISING SIGNS WITHIN RIGHT OF WAY	Eff. July 1, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 Subpart G-750	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0416	PRIVATE DRIVES OR ROADS INTERSECTING HIGHWAYS	Eff. July 1, 1978	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0417	COMMERCIAL ENTRANCES INTERSECTING WITH RIGHT OF WAY	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0418	FENCING WITHIN RIGHT OF WAY	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0419	CULTIVATING CROPS AND MAINTAINING PASTURES WITHIN ROW	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0420	CONSTRUCTION WITHIN RIGHT OF WAY	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0421	UTILITY WIRES OR CABLES OVER HIGHWAYS	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0422	USE OF RUNAWAY TRUCK RAMPS	Eff. August 10, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0423	REGULATION OF AIRPORT CONSTRUCTION	Amended Eff. November 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	14 CFR Chapter 1 Part 77 Subpart C	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0426	ACCESS ROUTES FOR STAA DIMENSIONED VEHICLES	Amended Eff. November 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0427	BICYCLE TRAILS	Transferred and Recodified from 19A NCAC 2B .0161 Eff. October 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 217(g)(1)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0600 - SELECTIVE VEGETATION REMOVAL POLICY	19A NCAC 02E .0601	PERMIT TO REMOVE VEGETATION	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0602	REQUESTS FOR PERMITS FOR A FACILITY	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02E .0603	ISSUANCE OR DENIAL OF PERMIT FOR A FACILITY	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0604	CONDITIONS OF SELECTIVE VEGETATION REMOVAL PERMIT FOR FACILITIES OR PERMIT REQUIREMENTS	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0608	REQUESTS FOR SELECTIVE VEGETATION REMOVAL PERMITS FOR OUTDOOR ADVERTISING	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0609	ISSUANCE OR DENIAL OF SELECTIVE VEGETATION REMOVAL PERMIT FOR OUTDOOR ADVERTISING	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0610	CONDITIONS OF SELECTIVE VEGETATION REMOVAL PERMIT FOR OUTDOOR ADVERTISING OR PERMIT REQUIREMENTS	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .0611	REQUIREMENTS FOR BEAUTIFICATION AND REPLANTING CONDITIONS OF SELECTIVE VEGETATION REMOVAL PERMITS FOR OUTDOOR ADVERTISING AND BUSINESS FACILITIES	Amended Eff. January 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0700 - PROFESSIONAL OR SPECIALIZED SERVICES	19A NCAC 02E .0701	EMPLOYMENT OF PROFESSIONAL/SPECIALIZED FIRM: AUTHORIZATION	Amended Eff. August 1, 2012	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 172	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0702	SOLICITATION AND AWARD OF CONTRACT	Amended Eff. October 1, 2014	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 172	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0703	PREQUALIFYING TO AWARD – PROFESSIONAL SERVICES FIRMS	Eff. October 1, 2014	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 CFR 172	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0800 - SOLICITATION OF CONTRIBUTIONS FOR RELIGIOUS PURPOSES AT REST AREAS	19A NCAC 02E .0801	PERMIT TO SOLICIT CONTRIBUTIONS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0802	PERMITS REQUIRED	Eff. November 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0803	SOLICITATION RESTRICTIONS AND REQUIREMENTS	Eff. November 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0804	REVOCAION OF PERMIT	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0900 - DISTRIBUTION OF NEWSPAPERS FROM DISPENSERS AT REST AREAS AND WELCOME CENTERS	19A NCAC 02E .0901	NEWSPAPER DISTRIBUTION POLICY	Eff. October 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0902	PERMITS REQUIRED	Eff. October 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0903	INDEMNIFICATION	Eff. October 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0904	LOCATION, INSTALLATION AND MAINTENANCE/NEWSPAPER DISPENSERS	Eff. October 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		19A NCAC 02E .0905	CONDITIONS, NOTICE OF VIOLATIONS AND APPEALS	Amended Eff. December 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .0906	COMPLIANCE WITH DIV OF SERVICES FOR THE BLIND REQUIREMENTS	Eff. October 1, 1991	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	20 USC 107a(1)(5) Section 2(a)(5) Randolph-Sheppard Act	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .1000 - SCENIC BYWAYS	19A NCAC 02E .1001	DEFINITIONS	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1002	PURPOSE	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1003	ADMINISTRATION OF PROGRAM	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1004	DESIGNATION CRITERIA	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1005	DESIGNATION PROCESS	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1006	APPLICATION FOR DESIGNATION	Eff. March 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 131(s)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .1007	REMOVAL PROCESS	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1008	REMOVAL APPLICATION	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1009	BOARD OF TRANSPORTATION EVALUATION	Eff. March 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .1100 - TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM	19A NCAC 02E .1101	TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM	Eff. August 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1102	DEFINITIONS	Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .1103	LOCATION OF TODS	Eff. August 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .1104	ELIGIBILITY FOR PROGRAM	Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .1105	COMPOSITION OF SIGNS	Eff. August 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	23 USC 109(d) and 23 CFR Part 655.603	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .1106	FEES	Eff. August 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		19A NCAC 02E .1107	CONTRACTS WITH THE DEPARTMENT	Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		19A NCAC 02E .1108	APPEAL OF DECISION	Eff. August 1, 2004	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code

G.S. 150B-21.3A Report for 19A NCAC Chapter 02, Division of Highways

Agency - Transportation, Department of and Board of

Comment Period - February 26, 2016 - April 27, 2016

Date Submitted to APO - July 25, 2016

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .1200 – PRIVATE PROPERTY OWNERS	19A NCAC 02E .1201	PURPOSE	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1202	DEFINITIONS	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1203	PARTICIPATION	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1204	RESPONSIBILITIES OF PARTICIPANTS AND DEPARTMENT	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02E .1205	TERMINATION OF THE AGREEMENT	Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SUBCHAPTER 02F - DEPARTMENT OF TRANSPORTATION'S MINIMUM CRITERIA	SECTION .0100 - MINIMUM CRITERIA	19A NCAC 02F .0101	PURPOSE	Eff. April 1, 2003	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02F .0102	MINIMUM CRITERIA	Eff. April 1, 2003	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		19A NCAC 02F .0103	EXCEPTIONS TO MINIMUM CRITERIA	Eff. April 1, 2003	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note



THE
VAN WINKLE
LAW FIRM

April 25, 2016

Via Overnight Delivery

North Carolina Department of Transportation
c/o Helen Landi
NCDOT APA Coordinator
1501 Mail Service Center
Raleigh, NC 27699-1501

Re: Notice of Periodic Review of Existing Rules – Public Comment

To Whom It May Concern:

I represent the North Carolina Outdoor Advertising Association (“NCOAA”). The purpose of this letter is to set out in writing several comments to the North Carolina Department of Transportation (“DOT”)’s notice of periodic review and expiration of existing rules mandated by N.C. Gen. Stat. §150B-21.3A. It is plain that the purpose of this statute is to streamline agency rules, make them more business friendly and to eliminate rules which are “obsolete, redundant, or otherwise not needed.” We believe that included within the latter category would be rules that are either without statutory authority or are in conflict with statutory authority.

N.C. Gen. Stat. §150B-21.3A is relatively new legislation. Its scope is not fully explored. Although this may not be the forum to raise questions about rules that either lack statutory authority or are in conflict with statutory authority, it should be helpful for the DOT and the Rules Review Commission to continue to understand the outdoor advertising industry’s position since it is the one primarily impacted by several of the regulations. Here are my client’s comments:

1. **19A NCAC 02E .0202 AGREEMENT** appears to be obsolete. First, the second sentence states that in the event that federal regulations are more restrictive than DOT rules related to outdoor advertising, the federal rules will be expressly incorporated by reference, and presumably enforced. This provision is not authorized by the North Carolina Outdoor Advertising Control Act, N.C. Gen. Stat.

§136-126 *et seq.* (“OACA”) and, more specifically, N.C. Gen. Stat. §136-138, which specifically covers the subject matter of agreements with the federal government without mention of federal regulations being controlling. N.C. Gen. Stat. 150B-19(1) plainly directs the agency not to adopt a rule that “implements or interprets a law unless that law or another law specifically authorizes the agency to do so.” The federal-state agreement related to the control of outdoor advertising sets the “floor” for regulations in this State. Nothing therein suggests that the Federal Highway Administrator and/or the federal DOT can change that agreement unilaterally and impose stricter standards.

2. **19 NCAC 02E .0204 LOCAL ZONING AUTHORITIES** appears to be obsolete. In 2013, the North Carolina General Assembly passed House Bill 74, entitled “AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.” (“HB 74”). HB 74 is an extremely important new law that, as the above title indicates, stimulates job creation and eliminates unnecessary regulation in the field of outdoor advertising. HB 74 is codified in North Carolina Gen. Stat. §136-131.2 and provides that no municipality or county can “regulate or prohibit the repair or reconstruction of any outdoor advertising from which there is in effect a valid permit issued by the Department of Transportation.” Obviously, the term “regulate” is very broad and would include any regulatory efforts by the City to impose its set of standards on the Billboard’s modernization. Moreover, the only statutory limitation in the new law is that the “square footage of the advertising surface” cannot be increased. The well-established rule of statutory construction is that mentioning a specific exception implies the exclusion of others. *Morrison v. Sears, Roebuck & Co.*, 319 N.C. 298, 303, 354 S.E.2d 495, 498-499 (1987)(espousing the doctrine of *expressio unius est exclusion alterius*); *Granville Farms, Inc. v. County of Granville*, 170 N.C. App. 109, 114, 612 S.E.2d 156, 160 (2005). Notably, there are no additional exceptions in the statute addressing a sign’s conformity to local standards or mentioning development restrictions related to height, setback, etc.

The clear intent of HB 74 is to streamline the regulation of existing outdoor advertising signs along the interstates and primary highways of this State.

Modernization efforts are not to be measured by or judged according to local standards, except to the extent of increases in advertising square footage.

In addition to HB 74, N.C. Gen. Stat. §136-131.1 provides that a local government, in the exercise of its regulatory authority, cannot cause the removal of outdoor advertising for which there is in effect a DOT permit.

There is nothing in the OACA that suggests that local governments can be delegated through administrative action any authority to administer that statutory framework and any regulations promulgated pursuant thereto. The statute that the rule references as authority, N.C. Gen. Stat. §136-130, expressly and exclusively delegates rule making authority to the DOT only.

Moreover, this rule does not implement or conform to any federal regulation. The federal regulations provide in §750.706(c) that “State law”, in this case being the North Carolina General Assembly, must authorize the exercise of control by local zoning authorities over outdoor advertising. This is not the case in North Carolina. In fact, the opposite is true as stated above in N.C. Gen. Stat. §§136-131.1 and 136-131.2 implementing HB 74.

3. **19 NCAC 02E .0206 APPLICATIONS.** A portion of this rule appears to be obsolete. Section (a)(5) indicates that as part of an application for an outdoor advertising permit the following is needed: a “sign permit of (sic) zoning permit, if required by the local government having jurisdiction over the proposed location.” In those cases where the DOT may request the outdoor advertiser to obtain a new permit for any repair and/or reconstruction activities falling with N.C. Gen. Stat. §136-131.2, local government permitting is expressly disavowed in that statute implementing HB 74.

4. **19 NCAC 02E .0225 REPAIR/MAINTENANCE/ALTERATION OF SIGNS.** A portion of this rule appears to be obsolete. Section (b)(2) states that for any “conforming sign structures” being reconstructed, that activity must not be in conflict with any applicable state, federal or local rules, regulations or ordinances.” The reference to “local rules, regulations or ordinances” is in direct conflict with N.C. Gen. Stat. §136-131.2, implementing HB 74. Moreover, there is nothing in the OACA that directs the DOT to dictate the application of its State-wide standards based on the standards set forth by any particular locality. Additionally, there is

April 25, 2016

Page 4

nothing that suggests that conformity with federal rules, regulations or ordinances is required. *See* N.C. Gen. Stat. 150B-19(1).

My client and I appreciate the time that the DOT has spent in analyzing the rules in light of §150B-21.3A. We hope you will agree with our comments and begin the process of bringing the above mentioned rules in compliance with State law.

Sincerely,

Craig D. Justus

(Signed Electronically)

Craig D. Justus

Attorney for NCOAA

cc. Ebony Pittman, Esq.
Scott Capps
Bobby Soule, President, NCOAA

DMS:4843-2260-1486v1|32763-32763-0002|4/25/2016

DO NOT EDIT ANYTHING ON THIS SHEET

1. Copy the header row and the first 2 rows below the header and then paste it into a new tab for each rule that gets a comment from the public.
2. Update the Rule and Name for each tab created.

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
Copy all columns in this row to the right of this yellow cell and paste in new rows						Select One	Select One
Department of Transportation	19A NCAC 02E .0202	Agreement	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Please see attached letter from The Van Winkle Law Firm	The concerns, as set out in the letter from The Van Winkel Law Firm, will be condersided during the readoption process as required as the result of the agency designating the rule as "Necessary with substative public interest."	Select One	Select One
	19A NCAC 02E .0204	Local Zoning Authorities	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Please see attached letter from The Van Winkle Law Firm	The concerns, as set out in the letter from The Van Winkel Law Firm, will be condersided during the readoption process as required as the result of the agency designating the rule as "Necessary with substative public interest."		
	19A NCAC 02E .0206	Applications	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Please see attached letter from The Van Winkle Law Firm	The concerns, as set out in the letter from The Van Winkel Law Firm, will be condersided during the readoption process as required as the result of the agency designating the rule as "Necessary with substative public interest."		
	19A NCAC 02E .0225	Repair/Maintenance /Alteration of Signs	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Please see attached letter from The Van Winkle Law Firm	The concern,s as set out in the letter from The Van Winkel Law Firm, will be condersided during the readoption process as required as the result of the agency designating the rule as "Necessary with substative public interest."		