STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

P.O. BOX 25201, RALEIGH, NC 27611-5201

CERTIFICATION OF RULEMAKING

Certifying Agency: Department of Transportation					
Action:	X	Adoption			Repeal
Statutory Authority: 20-121, 136-18 (5), 20-151.1 (b).					
Public Hearing Not Required For This Action Under: GS 150A-1, 20-1.					
Rule Summary: Temporary Truck Restriction.					
Circumstances Requiring Rule Adoption, Repeal: Necessary for public safety and welfare.					
Effective Date: October 27, 2011					

October 27, 2011

DATE

OFFICER SIGNATURE

James. K. Lacy, P.E.

TYPED NAME

State Traffic Engineer

TITLE

Temporary Truck Restriction

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 20-151.1 (b), 20-121, 136-18 (5).

COUNTY MCDOWELL **DIVISION** 13

DECLARE THE FOLLOWING

County	Ordinance Number	Route	Description
MCDOWELL	1063504	I 40	All trucks with three or more axles traveling I-40 WB between US 70 and the Buncombe County line shall be restricted to the right lane (To be in effect only in the areas where lane closures are in place and signs are posted in conjuction with TIP Project W-5117).

The foregoing Highway Traffic Ordinances are hereby adopted in accordance with the General Statutes of North Carolina (20-121, 136-18 (5), 20-151.1 (b)).

All the actions to the Highway Traffic Ordinances herein adopted are effective October 27, 2011 and are identified as follows:

ORDINANCE TYPE	ADOPT	REPEAL
Temporary Truck Restriction	1	0
Total	**1**	**0**

The Division Engineer for each affected Division shall cause to be erected appropriate signs indicating the action of the State Traffic Engineer and these ordinances shall be in full force and effect from and after the erection of such signs.

October 27, 2011

DATE

OFFICER SIGNATURE

James. K. Lacy, P.E.

TYPED NAME

State Traffic Engineer

TITLE

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

July 22, 2015

To: File

From: Kevin Lacy, P.E., State Traffic Engineer

Subject: Clarification of Signing Requirements for Truck Restriction Ordinances

This memo is to clarify signing requirements for truck restriction ordinances. In accordance with General Statute §20-116 (h), the Department may prohibit the use of "heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a designated maximum" on one route and designate another route of "approximately the same distance between two or more points" as a truck route. Ordinances enacted pursuant to this statute shall have signs posted in accordance with the statute.

Truck restrictions enacted under General Statute §20-115.1 (b) do not have a statutory or code requirement for signing, although some may be signed to improve compliance. Therefore, any ordinance package that contains the following verbiage:

> "The Division Engineer for each affected Division shall cause to be erected appropriate signs indicating the action of the State Traffic Engineer and these ordinances shall be in full force and effect from and after the erection of such signs."

...applies to only those ordinances that have a statutory requirement to be signed and does not apply to truck restriction ordinances enacted under §20-115.1 (b). These ordinances become effective when the ordinance is passed and the restriction is published on the NCDOT web site and truck restriction maps are updated. See the attachment for a list of all ordinances in effect as of July 8, 2015 that were enacted under General Statutes §20-115.1 (b) since September 1, 2008 when Session Law 2008-221 (SB 1695) became effective that are not required to be signed by statute, and this clarification memo will be added to these ordinance packages for future reference. If you have any questions or need additional information, please contact the Transportation Mobility and Safety Division at (919) 773-2800.

Attachment

JKL/rjj

cc: T. M. Hopkins, P.E.
A. D. Wyatt, P.E.
R. J. Jaeger, P.E.
L. N. Avery

MAILING ADDRESS:
TRANSPORTATION MOBILITY AND SAFETY DIVISION
1561 MAIL SERVICE CENTER
RALEIGH, NC 27699-1561

TELEPHONE: 919-773-2800
FAX: 919-771-2745

WEBSITE: WWW.NCDOT.ORG

LOCATION:
750 N. GREENFIELD PARKWAY
GARNER, NC 27529

Truck Ordinance Signing Clarification Memo Attachment:
Truck Ordinances without a Statutory Signing Requirement

Ordinance Number	Effective Date
1058402	8/29/2008
1058406	8/29/2008
1058407	8/29/2008
1058408	8/29/2008
1058409	8/29/2008
1058410	8/29/2008
1058411	8/29/2008
1058412	8/29/2008
1058413	8/29/2008
1058414	8/29/2008
1058415	8/29/2008
1058416	8/29/2008
1058417	8/29/2008
1058418	8/29/2008
1058420	8/29/2008
1058421	8/29/2008
1058422	8/29/2008
1058423	8/29/2008
1058424	8/29/2008
1058445	8/29/2008
1058447	8/29/2008
1058448	8/29/2008
1058451	8/29/2008
1058452	8/29/2008
1058456	8/29/2008
1058458	8/29/2008
1058459	8/29/2008
1058460	8/29/2008
1058461	8/29/2008
1058462	8/29/2008
1058463	8/29/2008
1058464	8/29/2008
1058465	8/29/2008
1058468	8/29/2008
1058469	8/29/2008
1058470	8/29/2008
1058471	8/29/2008
1058476	8/29/2008
1058477	8/28/2008
1058478	8/29/2008
1058479	8/29/2008
1058480	8/29/2008
1058481	8/29/2008
1058482	8/29/2008
1058483	8/28/2008
1058484	8/29/2008
1058485	8/29/2008
1058487	8/29/2008
1058489	8/29/2008
1058490	8/29/2008
1058491	8/29/2008
1058492	8/29/2008
1058493	8/29/2008
1058494	8/29/2008
1058495	8/29/2008

Ordinance Number	Effective Date
1058496	8/29/2008
1058497	8/29/2008
1058498	8/29/2008
1058499	8/29/2008
1058500	8/29/2008
1058502	8/29/2008
1058504	8/29/2008
1058505	8/29/2008
1058506	8/29/2008
1058507	8/29/2008
1058508	8/29/2008
1058509	8/29/2008
1058510	8/29/2008
1058512	8/29/2008
1058513	8/28/2008
1058514	8/29/2008
1058515	8/29/2008
1058516	8/29/2008
1058517	8/29/2008
1058520	8/29/2008
1058521	8/29/2008
1058522	8/28/2008
1058523	8/29/2008
1058524	8/29/2008
1058525	8/29/2008
1058527	8/29/2008
1058528	8/29/2008
1058531	8/29/2008
1058532	8/29/2008
1058535	8/29/2008
1058536	8/29/2008
1058537	8/29/2008
1058538	8/28/2008
1058539	8/29/2008
1058540	8/29/2008
1058541	8/29/2008
1058542	8/29/2008
1058543	8/29/2008
1058546	8/29/2008
1058547	8/29/2008
1058548	8/29/2008
1058549	8/28/2008
1058550	8/29/2008
1058551	8/28/2008
1058553	8/29/2008
1058554	8/29/2008
1058561	8/29/2008
1058562	8/29/2008
1058565	8/29/2008
1058566	8/29/2008
1058567	8/29/2008
1058568	8/29/2008
1058569	8/29/2008
1058570	8/29/2008
1058573	8/29/2008

Ordinance Number	Effective Date
1058574	8/29/2008
1058576	8/29/2008
1058577	8/29/2008
1058581	8/29/2008
1058582	8/29/2008
1058591	8/29/2008
1058622	8/30/2008
1058623	8/30/2008
1058624	8/30/2008
1059394	12/19/2008
1059472	2/6/2009
1059622	3/19/2009
1059757	3/23/2009
1059758	3/23/2009
1060136	2/23/2010
1060137	2/23/2010
1060138	2/23/2010
1060140	2/23/2010
1060141	2/23/2010
1060142	2/23/2010
1060143	2/23/2010
1060276	2/23/2010
1060417	9/29/2009
1061607	10/14/2010
1061608	10/14/2010
1061628	10/14/2010
1061629	10/14/2010
1061630	10/14/2010
1061631	10/14/2010
1061632	10/14/2010
1061696	10/14/2010
1061699	8/23/2010
1061700	8/23/2010
1061831	11/2/2010
1061878	10/18/2010
1061879	10/18/2010
1061880	10/18/2010
1062392	2/17/2011
1062438	12/23/2010
1062578	2/17/2011
1062728	4/13/2011
1062729	4/13/2011
1063272	8/18/2011
1063312	9/7/2011
1063352	9/27/2011
1063504	10/27/2011
1063607	1/11/2012
1063893	2/8/2012
1063935	2/8/2012
1064121	2/29/2012
1064122	2/29/2012
1064689	5/7/2012
1065014	8/29/2012
1065132	7/11/2012
1065503	10/18/2012

Ordinance Number	Effective Date
1065727	2/28/2013
1065728	2/28/2013
1065731	2/28/2013
1065733	2/28/2013
1065734	2/28/2013
1065735	2/28/2013
1066456	5/10/2013
1066504	5/14/2013
1066541	5/17/2013
1066785	7/23/2013
1066824	8/5/2013
1066859	8/13/2013
1066903	8/23/2013
1066904	8/23/2013
1066905	8/23/2013
1066906	8/23/2013
1067042	10/31/2013
1067043	10/31/2013
1067044	10/31/2013
1067150	11/12/2013
1067216	12/2/2013
1067387	1/6/2014
1067778	3/26/2014
1067779	3/26/2014
1067793	4/4/2014
1067822	4/4/2014
1068061	7/22/2014
1068668	11/20/2014
1069230	5/19/2015