

# NCDOT TRAFFIC SERVICES LEGAL GUIDE

**Revised June 20, 2023**

1. [North Carolina General Statutes \(NCGS\)](#) reflect changes through [Session Law](#) 2021-121 approved at 11:46 a.m. on August 30, 2021
2. [North Carolina Administrative Code \(NCAC\)](#) items reflect changes through January 1, 2021.
3. Text for the [Code of Federal Regulations \(CFR\)](#) and the [United States Code \(USC\)](#) items referenced herein are not contained in this document due to their length – please use the hyperlinks to access the text directly from their respective federal web sites.
4. [Traffic Engineering Policies, Practices and Legal Authority \(TEPPL\)](#) topics referenced herein under “NCDOT Interpretation” are hyperlinked below.
5. The “Last Action” column indicates the Session Law (YYYY-SSSS) for General Statutes or the date (YYYY-MMDD) for all other items.

Topic (subtopic)	Overview	Federal Regulations	U.S. Code	N.C. General Statute	N.C. Rules (19A NCAC)	Last Action	Comments	NCDOT Interpretation
Abandonment (Board of Transportation)	Board of Transportation authority to change, alter, add to, or abandon and substitute new sections			<a href="#">136-54</a>		1977-0464		
Abandonment (controlled access)	Authority for agreements between the federal government, NCDOT, municipalities, and/or counties regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		
Abandonment (frontage roads)	NCDOT authority to vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Abandonment (general)	NCDOT authority to abandon roads, procedures, regulations, notices			<a href="#">136-55.1</a>		1993-0533		
Abandonment (grade crossings)	NCDOT authority (railroads)			<a href="#">136-18 (11)</a>		2019-0199		
Abandonment (non-use)	Requirement to abandon after 15 years; tenants; partitioning for sale; exceptions			<a href="#">136-96</a>		1987-0428		
Abandonment (secondary roads)	Board of Transportation requirement to consider requests from boards of county commissioners regarding changes or abandonments of secondary roads; Board of Transportation requirement to make such changes and abandonments if the public interest demands it; Board of Transportation requirement to provide notice to municipalities			<a href="#">136-63</a>		1993-0533		

Abandonment (service roads)	NCDOT authority to vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Administrative Code (rules)	Administrative rule making and adjudicatory procedures (Administrative Procedure Act, Office of Administrative Hearings)		-	<a href="#">150B</a>	-	2021-0138	Entire chapter	
Adopt-A-Highway Program (general)	Agreements, requirements				2D.1004	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Definitions				2D.1002	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Eligibility, locations, conditions, considerations, exceptions, signs				2D.1006	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Modifications, renewals, termination				2D.1007	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Participation, approvals, safety, requirements, time frame, releases, liability, proceeds				2D.1003	2002-0801		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Purpose				2D.1001	1991-1101		<a href="#">Adopt-A-Highway Program</a>
Adopt-A-Highway Program (general)	Responsibilities, requirements				2D.1005	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Advertising (billboards)	Obstructing views, exceptions, penalties, fines			<a href="#">136-102</a>		1994-0024		
Advertising (historic areas)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (lights)	Reasonable use of lights or lighting devices (if not prohibited)			<a href="#">136-32.2 (c)</a>		1994-0024es		
Advertising (LOGO)	<b>EXPIRED:</b> Appeal of decision of Division Engineer to Secretary				<a href="#">2E.0223</a>	2016-1001	Expired effective 10/1/2016	
Advertising (LOGO)	<b>EXPIRED:</b> Composition of business panels and LOGO signs				<a href="#">2E.0220</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic L-12</a>
Advertising (LOGO)	<b>EXPIRED:</b> Eligibility for program				<a href="#">2E.0219</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic L-12</a>
Advertising (LOGO)	Fees				<a href="#">2E.0221</a>	2004-0201		<a href="#">TEPPL Topic L-12</a>
Advertising (LOGO)	Overview				<a href="#">2E.0216</a>	2004-0101		<a href="#">TEPPL Topic L-12</a>
Advertising (LOGO)	<b>REPEALED:</b> Contracts with the Department				<a href="#">2E.0222</a>	2004-0101	Repealed effective 1/1/2004	<a href="#">TEPPL Topic L-12</a>
Advertising (LOGO)	<b>REPEALED:</b> Location of panels				<a href="#">2E.0218</a>	2004-0101	Repealed effective 1/1/2004	<a href="#">TEPPL Topic L-12</a>

Advertising (LOGO)	<b>REPEALED:</b> Specific information program definitions				<a href="#">2E.0217</a>	2004-0101	Repealed effective 1/1/2004	<a href="#">TEPPL Topic L-12</a>
Advertising (national parks)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (outdoor)	Applications, permits, process, requirements				<a href="#">2E.0206</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Condemnation (procedures)			136-132		1977-0464		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Construction (stop work orders)			<a href="#">136-133 (b)</a>		2011-0397		
Advertising (outdoor)	Control		<a href="#">23 USC 131 (o)</a>			2015-1204		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Controlled routes, sign requirements				<a href="#">2E.0203</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Definition			<a href="#">136-128 (3)</a>		2000-0101		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Definitions				<a href="#">2E.0201</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	General policy for regulation and control			<a href="#">136-127</a>		2011-0397		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Illegal, removal			<a href="#">136-134</a>		1999-0404		<a href="#">TEPPL Topic B-27</a>
Advertising (outdoor)	Illegal, removal			<a href="#">136-134</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Interstates, NHS routes, federal aid primary routes, USDOT, agreement				<a href="#">2E.0202</a>	2012-1201		
Advertising (outdoor)	Limitations beyond 660 feet of the state right-of-way			<a href="#">136-129.1</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Limitations within 660 feet of the state right-of-way			<a href="#">136-129</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (outdoor)	Permit (appeal of denial or revocation)				<a href="#">2E.0213</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permit (emblem, time frame)				<a href="#">2E.0208</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permit (notice of revocation)				<a href="#">2E.0212</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permit (revocation)				<a href="#">2E.0210</a>	2012-1101		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permit (stop work)			-	<a href="#">2E.0226</a>	2021-0101	Repealed effective 1/1/2021	<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permit (transfer of ownership, change of address)				<a href="#">2E.0209</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permits, fees			<a href="#">136-133 (a)</a>		2011-0397		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Permits, fees, renewals, invoices, revocation			-	<a href="#">2E.0207</a>	2000-0801		<a href="#">TEPPL Topic I-01</a>

Advertising (outdoor)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception	-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception	-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Advertising (outdoor)	Prohibitions for interstate and primary highway systems; exceptions		<a href="#">136-129.1</a>		1999-0404		
Advertising (outdoor)	Regulation		<a href="#">136-130</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Removal, acquisition, purchase, condemnation, compensation		<a href="#">136-131</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	<b>REPEALED:</b> Permit (denial)			<a href="#">2E.0211</a>	2012-1101	Repealed effective 11/1/2012	<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Scenic byways			<a href="#">2E.0224</a>	2000-0801		
Advertising (outdoor)	Sign repairs, maintenance, and alterations			2E.0225	2000-0801		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt rules to control and regulate outdoor advertising			4A.0107	1993-1201		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Vegetation removal (permits)		136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Vegetation removal (permits)		136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Vegetation removal (permits, decisions)		136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Vegetation removal (permits, penalties, denials)		136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
Advertising (outdoor)	Vegetation removal (permits, traffic control, damages, requirements, penalties)		136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>

Advertising (public roads)	Prohibition against painting, printing, placing, putting, or affixing, or causing to be painted, printed, placed, or affixed any business or commercial advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building or other object within the limits of a public highway; penalty			<a href="#">14-145</a>		1994-0024es		<a href="#">TEPPL Topic P-39</a>
Advertising (rest areas)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on control-access facilities; conditions; permits; violations; advertising; signs; rules and regulations	-		<a href="#">136-89.59</a>		2012-0085		
Advertising (right-of-way)	Unlawful to erect, place, or allow signs not approved by NCDOT in, or over, the right-of-way			-	<a href="#">2E.0415</a>	1978-0701		<a href="#">TEPPL Topic B-27</a>
Advertising (scenic highways)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (signs)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Advertising (state parks)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
Advertising (vegetation)	Selective vegetation removal, permits, outdoor advertising, applications, process				2E.0608	2015-0101		<a href="#">TEPPL Topic I-01</a>
Advertising (vegetation)	Selective vegetation removal, permits, outdoor advertising, approvals, denials				2E.0609	2015-0101		<a href="#">TEPPL Topic I-01</a>

Advertising (vegetation)	Selective vegetation removal, permits, outdoor advertising, conditions				2E.0610	2015-0101		<a href="#">TEPPL Topic I-01</a>
Advertising (vegetation)	Selective vegetation removal, permits, outdoor advertising, modified cut zones, ramps, conditions, appeals				2E.0612	2015-0101		<a href="#">TEPPL Topic I-01</a>
Advertising (welcome centers)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on control-access facilities; conditions; permits; violations; advertising; signs; rules and regulations		-	<a href="#">136-89.59</a>		2012-0085		
Agricultural Tourism (signs)	Requirements		-	<a href="#">106-22.5</a>		2014-0058		<a href="#">TEPPL Topic A-07</a>
Agricultural Tourism (vegetation)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		-
Aircraft (Chief Engineer powers)	Authority to allow aircraft to take-off or land on the State highway system, considerations				<a href="#">2E.0412</a>	2012-1201		
Aircraft (general)	Markings on roads (guidance, protection)			<a href="#">136-18 (14)</a>		2019-0199		
Aircraft (general)	Signals on roads (guidance, protection)			<a href="#">136-18 (14)</a>		2019-0199		
Aircraft (law enforcement)	<b>REPEALED:</b> Used in patrolling vehicles			20-196.1		1998-0212	Repealed effective 7/1/1998	<a href="#">TEPPL Topic H-09</a>
Aircraft (law enforcement)	The State Highway Patrol is permitted the use of aircraft to discover violations relating to operation of motor vehicles and rules of the road; policy			20-196.2		1998-0212		<a href="#">TEPPL Topic H-09</a>
Aircraft (State highway system)	Unlawful for aircraft to take-off or land on the State highway system, exceptions				<a href="#">2E.0412</a>	2012-1201		
Airports (construction)	Construction or alteration of airports or aircraft landing areas near public highways requirements and permits, exceptions				2E.0423	1993-1101		
Airports (permits)	Construction or alteration of airports or aircraft landing areas near public highways requirements and permits, exceptions				2E.0423	1993-1101		

Airports (permits)	Permits for construction and alterations (preservation of safe clearances between highways and airways)			<a href="#">136-18 (22)</a>		2019-0199		
Airports (roads)	Connecting roads			<a href="#">136-18 (14)</a>		2019-0199		
Airports (signs)	Publicly owned airports; requirement for regulatory traffic signs to conform to the Uniform Manual; exemption for informational and directional signs	-		<a href="#">136-30 (e)</a>		1993-0051		<a href="#">TEPPL Topic A-08</a>
Animals (approaching)	Motor vehicle operators shall use reasonable care when approaching or passing a horse or other draft animal whether ridden or otherwise under control			<a href="#">20-216</a>		1969-0401		
Animals (cattle)	Requirement to erect signs giving adequate warning of the presence and crossing of cattle			<a href="#">136-33.1</a>		1977-0464		
Animals (controlled access)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Animals (dead)	Dogs (notification of owner)			<a href="#">136-18 (21)</a>		2019-0199		
Animals (dead)	General (removal from right-of-way and disposal)			<a href="#">136-18 (21)</a>		2019-0199		
Animals (drawing vehicles)	Traffic laws are applicable to every person riding an animal or driving any animal drawing a vehicle upon a highway; exceptions			<a href="#">20-171</a>		1939-0275		
Animals (interstates)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Animals (passing)	Motor vehicle operators shall use reasonable care when approaching or passing a horse or other draft animal whether ridden or otherwise under control			<a href="#">20-216</a>		1969-0401		
Animals (riders)	Traffic laws are applicable to every person riding an animal or driving any animal drawing a vehicle upon a highway; exceptions			<a href="#">20-171</a>		1939-0275		

Animals (runaway truck ramps)	Unlawful for vehicles, mopeds, bicycles, pedestrians, animals, or animal powered vehicles to park on, stand upon, obstruct, or otherwise use runaway truck ramps, exceptions				<a href="#">2E.0422</a>	1981-0810		
Annexations (speed limits)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit		-	<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Annexations (State highway system)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Autocycles (lane use)	Shall not be operated more than one abreast in a single lane			<a href="#">20-146.1 (b)</a>		2015-0163		
Barriers (closings)	NCDOT authority to erect barriers and/or obstructions at closed infrastructure; violations; exceptions			<a href="#">136-26</a>		2019-0084		
Barriers (pedestrians)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Barriers (railroads)	Prohibition for vehicles and pedestrians to circumnavigate crossing gates and barriers			<a href="#">20-142.1 (b)</a>		2019-0036		
Bicycles (controlled access)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Bicycles (general)	Bicycle and Bikeway Act of 1974			<a href="#">136-71.6</a>		1973-1447		<a href="#">TEPPL Topic B-06</a>
Bicycles (general)	Definition			<a href="#">20-171.1</a>		2016-0090		<a href="#">TEPPL Topic B-06</a>
Bicycles (interstates)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Bicycles (lamps)	Requirements for lamps on the front and on the rear when operated at night		-	<a href="#">20-129 (e)</a>		2017-0211		



Bicycles (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
Bicycles (racing)	Racing on highways prohibited; exceptions; requirements			<a href="#">20-171.2</a>		1977-1123		
Bicycles (rumble strips)	Practice					2012-0305		<a href="#">TEPPL Topic R-44</a>
Bicycles (runaway truck ramps)	Unlawful for vehicles, mopeds, bicycles, pedestrians, animals, or animal powered vehicles to park on, stand upon, obstruct, or otherwise use runaway truck ramps, exceptions				<a href="#">2E.0422</a>	1981-0810		
Bikeways (designations)	Allowed on public roads			<a href="#">136-71.11</a>		1973-1447		<a href="#">TEPPL Topic B-06</a>
Bikeways (designations)	Allowed on public roads			<a href="#">136-71.11</a>		1973-1447		<a href="#">TEPPL Topic B-31</a>
Bikeways (general)	Bicycle and Bikeway Act of 1974			<a href="#">136-71.6</a>		1973-1447		<a href="#">TEPPL Topic B-06</a>
Billboards (advertising)	Obstructing views, exceptions, penalties, fines			<a href="#">136-102</a>		1994-0024		
Board of Transportation (general)	Organization, powers, duties, membership, terms, meetings, delegations, limitations, ethics			143B-350		2020-0091		
Board of Transportation (junkyards)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards				4A.0108	1993-1201		<a href="#">TEPPL Topic I-01</a>
Board of Transportation (legal immunity)	Prohibition of court action against the Board of Transportation to determine the location of any State highways or portion thereof			<a href="#">136-59</a>		1973-0507		
Board of Transportation (NCDMV)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules concerning the Division of Motor Vehicles				4A.0109	1993-1201		
Board of Transportation (ordinances)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (a)	1995-1201		<a href="#">TEPPL Topic H-11</a>
Board of Transportation (outdoor advertising)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt rules to				4A.0107	1993-1201		<a href="#">TEPPL Topic I-01</a>

	control and regulate outdoor advertising							
Board of Transportation Powers (animals)	Authority to allow persons to ride animals and/or to operate bicycles, horse drawn wagons, and/or nonmotorized vehicles and/or mopeds on interstates and controlled access highways				<a href="#">2E.0409</a>	1981-0615		
Board of Transportation Powers (bicycles)	Authority to allow persons to ride animals and/or to operate bicycles, horse drawn wagons, and/or nonmotorized vehicles and/or mopeds on interstates and controlled access highways				<a href="#">2E.0409</a>	1981-0615		
Board of Transportation Powers (closures)	Authority to hear an appeal of the denial of an application for intermittent road closures				2D.0709	2012-1201		
Board of Transportation Powers (contracts)	Authority to reject proposals			136-28.1 (f)		2018-0005		
Board of Transportation Powers (contracts)	Authority to rescind an award, timeframe				2D.0820	1993-1001		
Board of Transportation Powers (controlled access)	Authority to allow persons to ride animals and/or to operate bicycles, horse drawn wagons, and/or nonmotorized vehicles and/or mopeds on interstates and controlled access highways				<a href="#">2E.0409</a>	1981-0615		
Board of Transportation Powers (ferries)	Authority to change toll rates and toll-setting methodology; reporting requirements		-	<a href="#">136-82 (c)</a>		2018-0136		
Board of Transportation Powers (flooding)	Authority to hear an appeal of the denial of an application for intermittent road closures				2D.0709	2012-1201		
Board of Transportation Powers (general)	Organization, powers, duties, membership, terms, meetings, delegations, limitations, ethics			143B-350		2020-0091		

Board of Transportation Powers (interstates)	Authority to allow persons to ride animals and/or to operate bicycles, horse drawn wagons, and/or nonmotorized vehicles and/or mopeds on interstates and controlled access highways				<a href="#">2E.0409</a>	1981-0615		
Board of Transportation Powers (LOGO)	Authority to set fees for LOGO signs		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
Board of Transportation Powers (maps/plats)	Authority to adopt roadway corridor maps, purpose, responsibilities, requirements, process				2B.0317	2012-1201		
Board of Transportation Powers (pedestrians)	Authority to install special pedestrian control signals on State highways exhibiting the words or symbols "WALK" or "DON'T WALK"; requirements		-	<a href="#">20-172 (a)</a>		1987-0125		
Board of Transportation Powers (scenic byways)	Authority to designate scenic byways				2E.1005	1995-0301		
Board of Transportation Powers (scenic byways)	Authority to remove scenic byways				2E.1007	1995-0301		
Board of Transportation Powers (signals)	Authority to install special pedestrian control signals on State highways exhibiting the words or symbols "WALK" or "DON'T WALK"; requirements		-	<a href="#">20-172 (a)</a>		1987-0125		
Board of Transportation Powers (State highway system)	Authority to change, alter, add to, or abandon and substitute new sections		-	<a href="#">136-54</a>		1977-0464		
Board of Transportation Requirements (general)	Organization, powers, duties, membership, terms, meetings, delegations, limitations, ethics			143B-350		2020-0091		
Board of Transportation Requirements (scenic byways)	Responsibility to review and evaluate the scenic byway program annually, requirements				2E.1009	1995-0301		
Board of Transportation Requirements (secondary roads)	Requirement to adopt uniform statewide or regional standards and criteria for the addition of secondary roads		-	<a href="#">136-44.10</a>		1977-0464		

Board of Transportation Requirements (secondary roads)	Requirement to consider requests from boards of county commissioners regarding changes or abandonments of secondary roads; requirement to make such changes and abandonments if the public interest demands it; requirement to provide notice to municipalities			<a href="#">136-63</a>		1993-0533		
Bridges (Atlantic Beach)	<b>REPEALED:</b> Bridge between Morehead City and Atlantic Beach				2D.0416	1991-1101	Repealed effective 11/1/1991	
Bridges (Beaufort)	<b>REPEALED:</b> Bridge on US 70 over Beaufort Channel at Beaufort				2D.0426	1993-1101	Repealed effective 11/1/1993	
Bridges (construction)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Bridges (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Bridges (drawbridges)	<b>REPEALED:</b> Drawbridges open only upon advance notice				2D.0420	1993-1101	Repealed effective 11/1/1993	
Bridges (drawbridges)	<b>REPEALED:</b> General regulations for drawbridges				<a href="#">2D.0415</a>	2019-0201	Repealed effective 2/1/2019	
Bridges (firefighting equipment)	NCDOT authority to exempt firefighting equipment from posted bridge limits			20-118.4 (b)		2012-0078		
Bridges (fishing)	County and municipal regulations, requests, signs			<a href="#">136-102.5</a>		1977-0464		<a href="#">TEPPL Topic F-11</a>
Bridges (fishing)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Bridges (fishing)	Municipal authority to prohibit or regulate fishing from bridges; requirement for county agreement if outside corporate limits; fishing from drawspans of drawbridges prohibited; enforcement; subject to the authority of NCDOT for the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>

Bridges (Hertford)	<b>REPEALED:</b> Bridge on US 17B over Perquimans River at Hertford				2D.0419	1993-1101	Repealed effective 11/1/1993	
Bridges (jumping)	<b>REPEALED:</b> Jumping from bridges				<a href="#">2E.0411</a>	2019-0701	Repealed effective 7/1/2019	<a href="#">TEPPL Topic B-20</a>
Bridges (load limits)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Bridges (load limits)	Inspection of bridges, temporary lowering of authorized weight limits, closures, duration, analysis				2D.0408	1978-0701		
Bridges (load limits)	NCDOT authority to determine the safe load-carrying capacity of bridges on the State highway system; penalty for violations			<a href="#">136-72</a>		1994-0024es		
Bridges (maintenance)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Bridges (maintenance)	Funds generated by overweight and oversize permit fees in excess of the cost of administering the program shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads.			<a href="#">20-119.1</a>		2005-0276		
Bridges (Morehead City)	<b>REPEALED:</b> Bridge between Morehead City and Atlantic Beach				2D.0416	1991-1101	Repealed effective 11/1/1991	
Bridges (New Bern)	<b>REPEALED:</b> Bridge on US 17 over Neuse River at New Bern				2D.0417	1993-1101	Repealed effective 11/1/1993	
Bridges (New Bern)	<b>REPEALED:</b> Bridge on US 70 over Trent River at New Bern				2D.0418	1993-1101	Repealed effective 11/1/1993	
Bridges (permits)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Bridges (replacement program)	NCDOT requirement to replace all long through truss spans on the State highway system; limitations; exclusions			<a href="#">136-76.1</a>		1981-0861		

Bridges (signs)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Bridges (speed limits)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs			<a href="#">20-144</a>		1977-0464		
Bridges (subdivisions)	<b>REPEALED:</b> Requirements				2C.0206	1993-1229	Repealed effective 12/29/1993	
Bridges (Sunset Beach)	<b>REPEALED:</b> Bridge on SR 1172 over Intercoastal Waterway at Sunset Beach				2D.0429	1993-1101	Repealed effective 11/1/1993	
Bridges (Surf City)	<b>REPEALED:</b> Bridge on NC 50 over Intercoastal Waterway at Surf City				2D.0427	1993-1101	Repealed effective 11/1/1993	
Bridges (tolls)	County boards of commissioners authority to establish, operate, maintain, and supervise toll bridges on public roads not under the supervision and control of NCDOT		-	<a href="#">136-88</a>		1977-0464		
Bridges (utilities)	Unlawful to construct utility wires or cables over the State highway system, exceptions, requirements				<a href="#">2E.0421</a>	1993-1101		
Bridges (vessels)	Illegal to fasten any decked vessel or steamer to any bridge that crosses a navigable stream			<a href="#">136-80</a>		1994-0024es		
Bridges (weights)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Bridges (weights)	Inspection of bridges, temporary lowering of authorized weight limits, closures, duration, analysis				2D.0408	1978-0701		
Bridges (Wrightsville Beach)	<b>REPEALED:</b> Bridge on US 74/76 over Intercoastal Waterway at Wrightsville Beach				2D.0428	1993-1101	Repealed effective 11/1/1993	
Buttons (intersections)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		

Buttons (turns)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Canals (drainage)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Cargo (explosives)	Persons operating vehicles transporting explosives shall comply with the rules and regulations of the USDOT		-	<a href="#">20-167</a>		1985-0454		
Cartways (compensation)	Provisions for affected landowners			136-69 (b)		2019-0215		
Cartways (easements)	Special proceedings for establishment, alteration or discontinuance; petitions; appeals			136-68		1995-0513		
Cartways (obstructions)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		
Cartways (property access)	Alterations, changes, or abandonments			136-70		1995-0513		
Cartways (property access)	Cultivation, timber removal, quarries, mines, minerals, manufacturing plants, cemeteries; procedures			136-69		2019-0215		
Cemeteries (public and church)	NCDOT authority for connecting roads		-	<a href="#">136-18 (20)</a>		2019-0199		
Chief Engineer Powers (aircraft)	Authority to allow aircraft to take-off or land on the State highway system, considerations				<a href="#">2E.0412</a>	2012-1201		
Chief Engineer Powers (bridge load limits)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Chief Engineer Powers (closures)	Authority to deny an application for intermittent road closures				2D.0709	2012-1201		
Chief Engineer Powers (closures)	NCDOT authority to issue permits for intermittent closings when secondary roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		

Chief Engineer Powers (construction)	Authority to allow persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Chief Engineer Powers (damages)	Authority to permit objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system, considerations				<a href="#">2E.0405</a>	2012-1201		
Chief Engineer Powers (fences)	Authority to allow persons or firms to construct, place, or erect fences in the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		
Chief Engineer Powers (fences)	Authority to allow persons to erect fences within the right-of-way, requirements				<a href="#">2E.0418</a>	2012-1201		
Chief Engineer Powers (flooding)	Authority to deny an application for intermittent road closures				2D.0709	2012-1201		
Chief Engineer Powers (garbage collection containers)	Authority to authorize containers in the right-of-way		-	<a href="#">136-18.3 (a)</a>		2012-0085		
Chief Engineer Powers (general)	Listing of specific duties and responsibilities				2A.0102	2012-1201		
Chief Engineer Powers (light traffic roads)	Maximum axle weight, record keeping, status reviews, exceptions				4A.0106	1993-1201		
Chief Engineer Powers (obstructions)	Authority to allow persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		
Chief Engineer Powers (permits)	Authority to issue permits for housemoving, oversize vehicles, and overweight vehicles				<a href="#">2D.0601</a>	2019-0701		
Chief Engineer Powers (permits)	Authority to revoke permits for refreshments at rest areas and welcome centers for violations		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Chief Engineer Powers (refreshments)	Authority to revoke permits for refreshments at rest areas and welcome centers for violations		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Chief Engineer Powers (rest areas)	Authority to revoke permits for refreshments at rest areas and welcome centers for violations		-	<a href="#">136-89.59 (1)</a>		2012-0085		



Chief Engineer Powers (right-of-way)	Authority to allow persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Chief Engineer Powers (right-of-way)	Authority to allow persons to erect fences within the right-of-way, requirements				<a href="#">2E.0418</a>	2012-1201		
Chief Engineer Powers (right-of-way)	Authority to allow persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, requirements				<a href="#">2E.0419</a>	2012-1201		
Chief Engineer Powers (signs)	Authority to allow persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		
Chief Engineer Powers (State highway system)	Authority to allow aircraft to take-off or land on the State highway system, considerations				<a href="#">2E.0412</a>	2012-1201		
Chief Engineer Powers (State highway system)	Authority to allow persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Chief Engineer Powers (utilities)	Authority to allow persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Chief Engineer Powers (vegetation)	Authority to allow persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, requirements				<a href="#">2E.0419</a>	2012-1201		
Chief Engineer Powers (welcome centers)	Authority to revoke permits for refreshments at rest areas and welcome centers for violations		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Church Roads (easements)	Special proceedings for establishment, alteration or discontinuance; petitions; appeals			136-68		1995-0513		

Church Roads (obstructions)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		
Citizen Powers (secondary roads)	Authority to present petitions to the board of county commissioners; authority to discuss any aspect of secondary road additions, maintenance, and construction with NCDOT; authority to elevate discussions to the division engineer, the Secretary of Transportation, and the Board of Transportation in turn		-	<a href="#">136-62</a>		1977-0464		
Closures (appeal)	Process for appealing the denial of an application for intermittent road closures				2D.0709	2012-1201		
Closures (bridges)	Inspection of bridges, temporary lowering of authorized weight limits, closures, duration, analysis				2D.0408	1978-0701		
Closures (crossings)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Closures (flooding)	Application procedure for intermittent road closing, requirements				<a href="#">2D.0704</a>	2012-1201		
Closures (flooding)	NCDOT required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
Closures (flooding)	Permit issuance, form, and process				2D.0707	2012-1201		
Closures (flooding)	Process for appealing the denial of an application for intermittent road closures				2D.0709	2012-1201		
Closures (flooding)	<b>REPEALED:</b> Public notice				2D.0706	1993-1001	Repealed effective 10/1/1993	
Closures (flooding)	Review procedures and requirements for completed applications, restrictions				2D.0705	2012-1201		
Closures (grade crossings)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Closures (railroads)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Closures (roads)	Municipal authority to streets and alleys; process; right-of-way ownership; extraterritorial jurisdiction; exceptions for State highway System; easements			<a href="#">160A-299</a>		2015-0103		
Closures (roads)	NCDOT authority to consent to State highway system road closures within municipalities			<a href="#">160A-299 (e)</a>		2015-0103		

Closures (roads)	<b>REPEALED:</b> Applications for intermittent road closing				2D.0701	1993-1001	Repealed effective 10/1/1993	
Commercial Enterprises (controlled access)	Prohibitions; exceptions			<a href="#">136-89.56</a>		2015-0239		
Commercial Enterprises (general)	Prohibitions, exceptions, offenses		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Commercial Enterprises (rest areas)	NCDOT requirement to regulate vending machines and items dispensed		-	<a href="#">136-89.56</a>		2015-0239		
Commissioner of DMV Powers (crash reports)	Authority to approve the format of reports for submitting crash data			<a href="#">20-166.1 (h)</a>		2016-0090		
Commissioner of Motor Vehicles Powers (other vehicles)	Authority to approve reflectors to be used on certain vehicles in lieu of white lights		-	<a href="#">20-129 (f)</a>		2017-0211		
Commissioner of Motor Vehicles Powers (reflectors)	Authority to approve red reflectors to be used on trailers in lieu of rear lamps		-	<a href="#">20-129 (d)</a>		2017-0211		
Commissioner of Motor Vehicles Powers (reflectors)	Authority to approve reflectors to be used on certain vehicles in lieu of white lights		-	<a href="#">20-129 (f)</a>		2017-0211		
Commissioner of Motor Vehicles Powers (trailers)	Authority to approve red reflectors to be used on trailers in lieu of rear lamps		-	<a href="#">20-129 (d)</a>		2017-0211		
Commissioner of Motor Vehicles Powers (windshield wipers)	Requirement to incorporate windshield wiper requirements into driver education programs and driver licensing programs instruction		-	<a href="#">20-129 (a) (4)</a>		2017-0211		
Communications (collaboration improvement)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Communications (impacted persons and entities)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Communications (nonutility)	NCDOT authority for right-of-way (data transmission infrastructure)		-	<a href="#">136-18 (2) (c) (2)</a>		2019-0199		

Communications (right-of-way)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Communications (utilities)	NCDOT authority for right-of-way		-	<a href="#">136-18 (2) (c) (1)</a>		2019-0199		
Comprehensive Transportation Plans (CTPs)	Cooperation between NCDOT and municipalities outside of MPOs; cooperation between NCDOT and MPOs; authority to adopt; authority to agree which streets will be part each system (State or municipal)			<a href="#">136-66.2</a>		2001-0168		
Condemnation	Outdoor advertising (procedures)			136-132		1977-0464		<a href="#">TEPPL Topic I-01</a>
Condemnation (junkyards)	Condemnation, procedure			136-150	-	1977-0464		<a href="#">TEPPL Topic I-01</a>
Congestion Management (municipalities)	NCDOT and municipal authority to enter into contracts for improvement projects which facilitate the flow of people and goods; funding; maintenance			<a href="#">136-66.5</a>		2009-0266		
Congestion Management (spot mobility program)	Mobility, modernization, congestion, delay, requirements, considerations, selection, schools			136-189.20		2019-0231		<a href="#">TEPPL Topic S-81</a>
Connecting Piers	Waters (navigable, nonnavigable)			<a href="#">136-18 (15)</a>		2019-0199		
Connecting Roads	Adjoining states			<a href="#">136-18 (23)</a>		2019-0199		
Connecting Roads	Airports			<a href="#">136-18 (14)</a>		2019-0199		
Connecting Roads	Cemeteries (public and church)			<a href="#">136-18 (20)</a>		2019-0199		
Connecting Roads	Public schools (shall maintain and repair)			<a href="#">136-18 (17)</a>		2019-0199		
Connecting Roads	Road materials (material deposits)		-	<a href="#">136-18 (3)</a>		2019-0199		
Connecting Roads	Waters (navigable, nonnavigable)			<a href="#">136-18 (15)</a>		2019-0199		
Connecting Roads (changes)	Board of Transportation authority to change, alter, add to, or abandon and substitute new sections			<a href="#">136-54</a>		1977-0464		
Connecting Roads (federal parks)	NCDOT authority to construct			<a href="#">136-19 (g)</a>		2009-0266		
Connecting Roads (municipal system)	NCDOT authority to build connecting links with a municipal street system			<a href="#">136-27</a>		1977-0464		

Construction (airports)	Construction or alteration of airports or aircraft landing areas near public highways requirements and permits, exceptions				2E.0423	1993-1101		
Construction (bridges)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Construction (bridges)	NCDOT requirement to replace all long through truss spans on the State highway system; limitations; exclusions			<a href="#">136-76.1</a>		1981-0861		
Construction (bridges)	NCTA authority to construct toll bridges			136-89.182 (a)		2011-0145		
Construction (canals)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Construction (closings)	NCDOT authority to close transportation infrastructure for construction; violations; exceptions			<a href="#">136-26</a>		2019-0084		
Construction (contracts)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and development, public utility companies, public-private participation			136-28.1		2018-0005		
Construction (controlled access)	NCDOT, counties, municipalities, and/or the federal government can enter into agreements regarding controlled access facilities			<a href="#">136-89.54</a>		1977-0464		
Construction (curb and gutter)	Projects, costs, requirements, prohibited on unpaved roads				2D.0402	1993-1101		
Construction (curb cuts/ramps)	Requirements; guidelines		-	<a href="#">136-44.14</a>		1973-0718		
Construction (curb ramps)	Guidelines				2D.0104	1993-1201		
Construction (design-build)	NCDOT authority for contracts; requirements			136-28.11		2013-0360		
Construction (detours)	Requirement to select, lay out, maintain and keep in as good repair as possible suitable detours, and to provide explicit directions; expenses to come from the State Highway Fund			<a href="#">136-25</a>		1977-0464		

Construction (drainage)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Construction (emergency landing fields)	NCDOT authority (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Construction (federal aid)	NCDOT authority to contract		-	<a href="#">136-18 (12)</a>		2019-0199		
Construction (fences)	Unlawful for persons or firms to construct, place, or erect fences in the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Construction (ferries)	NCDOT authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system		-	<a href="#">136-82 (a)</a>		2018-0136		
Construction (flight strips)	NCDOT authority (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Construction (footways)	NCDOT authority to erect and maintain adequate footways, in connection with the use of the highways, for the safety and convenience of the public		-	<a href="#">136-81</a>		1977-0464		
Construction (frontage roads)	NCDOT authority to establish local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Construction (general)	NCDOT (general authority)		-	<a href="#">136-18 (1)</a>		2019-0199		
Construction (general)	<b>REPEALED:</b> Examples of construction and maintenance activities				2D.0405	2019-0601	Repealed effective 6/1/2019	
Construction (general)	<b>REPEALED:</b> Signing		-	-	2B.0211	1993-1001	Repealed effective 10/1/1993	
Construction (general)	<b>REPEALED:</b> Supplement				2B.0206	1981-0403	Repealed effective 4/3/1981	
Construction (interstates)	NCDOT authority enter into reciprocal agreements with other states and the USDOT to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in transportation construction and repair			<a href="#">136-35</a>		2009-0266		
Construction (landfill roads)	County landfill roads, financing, construction, improvements, right-of-way, process, requirements				<a href="#">2C.0111</a>	1993-1229		

Construction (markings)	Requirement to mark center lines and edge lines on eligible roads within thirty (30) days of the completion of construction, resurfacing, or paving projects			<a href="#">136-30.1 (b)</a>		1991-0530		
Construction (municipal system)	NCDOT authority to build connecting links with a municipal street system			<a href="#">136-27</a>		1977-0464		
Construction (municipalities)	NCDOT authority to contract for maintenance and construction of streets; NCDOT authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000	-		<a href="#">136-41.3 (d)</a>		2017-0057		<a href="#">TEPPL Topic C-25</a>
Construction (obstructions)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		
Construction (obstructions)	Unlawful for persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Construction (overpasses)	NCDOT authority to require at railroad crossings	-		<a href="#">136-20</a>		1994-0024es		
Construction (pavement)	Juvenile correction centers	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	Mental health hospitals and developmental centers	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	Schools for the blind	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	Schools for the deaf	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	State institutions of higher education	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	State-owned hospitals for the treatment of tuberculosis	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (pavement)	State-owned orthopedic hospitals	-		<a href="#">136-18 (25)</a>		2019-0199		
Construction (public roads)	NCDOT authority for the exclusive control and management and responsibility of all public roads	-		<a href="#">136-51</a>		2007-0428		
Construction (public-private partnerships)	Development of public or private facilities (definitions, requirements, advertisements, public hearings, selection, bonds, leases and other agreements, restrictions)			143-128.1C		2021-0058		
Construction (purpose)	NCDOT requirement to construct a statewide system of hard-surfaced and other dependable highways at the expense of the entire State	-		<a href="#">136-45</a>		2007-0428		

Construction (railroads)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		
Construction (right-of-way)	NCDOT authority to acquire right-of-way (mineral deposits, timber, utilities, projects, federal parkways)			<a href="#">136-19</a>		2009-0266		
Construction (roads)	NCTA authority to construct toll roads			136-89.182 (a)		2011-0145		
Construction (roads)	Towns of less than 3,000 population by the last census		-	<a href="#">136-18 (7)</a>		2019-0199		
Construction (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Construction (secondary roads)	NCDOT requirement to consider citizen petitions concerning additions and improvements, and associated county recommendations; NCDOT requirement to report back to the board of county commissioners		-	<a href="#">136-62</a>		1977-0464		
Construction (service roads)	NCDOT authority to establish local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Construction (sidewalks)	NCDOT shall replace sidewalks removed as part of widening projects, NCDOT shall evaluate the need for sidewalks in the planning stage of a project, requirements				2D.0406	1999-0501		
Construction (signs)	Unlawful for persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Construction (subdivision roads)	Dedication, applications, requirements				2C.0202	1993-1229		
Construction (subdivision roads)	Right-of-way, plans, approvals, maintenance, acceptance, maps/plats, time frame		-	<a href="#">136-102.6 (d)</a>		2021-0121		
Construction (tolls)	Purpose			136-89.180		2002-0133		
Construction (traffic census)	Based on a traffic census (relative use, cost, value, importance, and necessity of roads)			<a href="#">136-18 (6)</a>		2019-0199		
Construction (underpasses)	NCDOT authority to require at railroad crossings		-	<a href="#">136-20</a>		1994-0024es		



Construction (utilities)	Unlawful for persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Contracts (adjoining states)	Connecting the State highway system with public roads in adjoining states			<a href="#">136-18 (23)</a>		2019-0199		
Contracts (archaeological objects)	Authority to contract with NCDNCR		-	<a href="#">136-42.1</a>		2015-0241		
Contracts (bids, estimates)	Departmental cost estimates are confidential until bids are opened				2D.0825	2008-0201		
Contracts (bids, non-collusion)	Non-collusion certifications, forms, location, penalties				2D.0818	2017-0701		
Contracts (bids, openings)	Public openings, evaluations, rejections, irregularities, awards, revisions, withdrawals				2D.0812	2008-0201		
Contracts (bids, submittals)	Submittal requirements, acceptance, rejection				2D.0810	2008-0201		
Contracts (Board of Transportation powers)	Authority to reject proposals			136-28.1 (f)		2018-0005		
Contracts (buildings)	Erection, construction, alteration or repair of buildings; specifications; award methods; separate-primes, single-primes; dual bidding; dispute resolutions; exceptions			143-128		2013-0401		
Contracts (construction)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and development, public utility companies, public-private participation			136-28.1		2018-0005		
Contracts (design-build)	Design and construction separate (definitions, requirements, public notices, selection, bonds)			143-128.1B		2014-0042		
Contracts (design-build)	Design and construction together (definitions, requirements, public notices, selection, bonds)			143-128.1A		2014-0042		
Contracts (design-build)	NCDOT authority construction projects; requirements			136-28.11		2013-0360		

Contracts (federal aid)	NCDOT authority for surveys, construction, improvements, maintenance		-	<a href="#">136-18 (12)</a>		2019-0199		
Contracts (ferries)	NCDOT may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities			136-28.1 (i)		2018-0005		
Contracts (ferries)	The construction, maintenance, and repair of ferryboats and all other marine floating equipment deemed highway construction, maintenance, or repair			136-28.1 (c)		2018-0005		
Contracts (financial)	Adoption of federal contract guidelines, purpose, non-federally funded projects				5B.0301	1993-1201		
Contracts (financial)	Definitions				5B.0209	1993-1201		
Contracts (financial)	Desk audits, field audits, decision criteria				5B.0204	1993-1201		
Contracts (financial)	Exemptions for certain projects from selection of architectural, engineering, and surveying services without regard to fee if estimated amount is below a certain threshold			143-64.32		2013-0401		
Contracts (financial)	Pre-award audits, accounting systems, contracting firms and agencies, recipients of grants, costs				5B.0202	1993-1201		
Contracts (financial)	Pre-award audits, financial capabilities, contracting firms and agencies, recipients of grants or loans, exceptions, reporting				5B.0201	1993-1201		
Contracts (financial)	Pre-award audits, proposed costs				5B.0203	1993-1201		
Contracts (financial)	<b>REPEALED:</b> Information in lieu of airport pre-audit				5B.0206	1991-1101	Repealed effective 11/1/1991	
Contracts (financial)	<b>REPEALED:</b> Partial, interim, or final audit; desk or field				5B.0207	1993-1201	Repealed effective 12/1/1993	
Contracts (financial)	<b>REPEALED:</b> Performance of partial and final audits				5B.0208	1993-1201	Repealed effective 12/1/1993	
Contracts (financial)	<b>REPEALED:</b> Waiver of airport pre-audit				5B.0205	1991-1101	Repealed effective 11/1/1991	

Contracts (financial)	Selection of architectural, engineering, and surveying services based on demonstrated competence and qualification without regard to fee, resident firms, exceptions			143-64.31		2014-0042		
Contracts (firms)	Firms shall be prequalified, requirements, updates, requalification, disqualification				2E.0703	2014-1001		
Contracts (firms)	NCDOT required to maintain a directory of firms with necessary expertise and experience, prequalifications, requirements, solicitations, awards, supplementals				2E.0702	2014-1001	<a href="#">Private Consulting Firms Requirements</a>	<a href="#">TEPPL Topic L-17</a>
Contracts (firms)	Professional and/or specialized services, firms, conditions				2E.0701	2012-0801		
Contracts (general)	Definitions				2D.0830	2008-0201		
Contracts (general)	NCDOT (general authority)		-	<a href="#">136-18 (1)</a>		2019-0199		
Contracts (littering)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (I)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Contracts (maintenance)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and development, public utility companies, public-private participation			136-28.1		2018-0005		
Contracts (material deposits)	Road materials (material deposits)		-	<a href="#">136-18 (3)</a>		2019-0199		
Contracts (municipalities)	NCDOT authority to contract with municipalities for maintenance and construction of streets; NCDOT authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000		-	<a href="#">136-41.3 (d)</a>		2017-0057		<a href="#">TEPPL Topic C-25</a>
Contracts (NCDOT powers)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and development, public utility companies, public-private participation			136-28.1		2018-0005		

Contracts (prequalifications)	Firms shall be prequalified, requirements, updates, requalification, disqualification				2E.0703	2014-1001	<a href="#">Private Consulting Firms Requirements</a>	<a href="#">TEPPL Topic L-17</a>
Contracts (prequalifications)	Requirements				2D.0801 (b)	2008-0201	<a href="#">Private Consulting Firms Requirements</a>	<a href="#">TEPPL Topic L-17</a>
Contracts (professional services)	Firms shall be prequalified, requirements, updates, requalification, disqualification				2E.0703	2014-1001		
Contracts (professional services)	Professional and/or specialized services, firms, conditions				2E.0701	2012-0801		
Contracts (public-private partnerships)	Development of public or private facilities (definitions, requirements, advertisements, public hearings, selection, bonds, leases and other agreements, restrictions)			143-128.1C		2021-0058		
Contracts (public-private partnerships)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (l)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Contracts (public-private partnerships)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Contracts (rescinds)	Board of Transportation authority to rescind an award, timeframe				2D.0820	1993-1001		
Contracts (research and development)	Contracts for applied research and experimental work are excluded from soliciting bids or proposals, exceptions			136-28.1 (h)		2018-0005		
Contracts (research and development)	Contracts for research and development with educational institutions and nonprofit organizations are excluded from soliciting bids or proposals			136-28.1 (g)		2018-0005		
Contracts (rest areas)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Contracts (rest areas)	The construction, maintenance, and repair of the highway rest area buildings and facilities deemed highway construction, maintenance, or repair			136-28.1 (d)		2018-0005		

Contracts (Secretary of Transportation)	Authority to approve contracts and supplements exceeding \$50,000; authority to waive solicitations in emergency situations				2E.0702	2014-1001		
Contracts (Secretary of Transportation)	Authority to waive bidding for contracts in emergencies, definition, requirements			136-28.1 (e)		2018-0005		
Contracts (specialized services)	Firms shall be prequalified, requirements, updates, requalification, disqualification				2E.0703	2014-1001		
Contracts (specialized services)	Professional and/or specialized services, firms, conditions				2E.0701	2012-0801		
Contracts (tolls)	NCTA authority to contract for projects; incentives			136-89.183		2015-0241		
Contracts (utilities)	NCDOT may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities			136-28.1 (i)		2018-0005		
Contracts (weight stations)	The construction, maintenance, and repair of weight stations deemed highway construction, maintenance, or repair			136-28.1 (d)		2018-0005		
Contracts (welcome centers)	The construction of welcome center buildings deemed highway construction, maintenance, or repair			136-28.1 (d)		2018-0005		
Controlled Access (advertising)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on control-access facilities; conditions; permits; violations; advertising; signs; rules and regulations		-	<a href="#">136-89.59</a>		2012-0085		
Controlled Access (animals)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Controlled Access (bicycles)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		

Controlled Access (commercial enterprises)	Prohibitions; exceptions			<a href="#">136-89.56</a>		2015-0239		
Controlled Access (contracts)	NCDOT, counties, municipalities, and/or the federal government can enter into agreements regarding controlled access facilities			<a href="#">136-89.54</a>		1977-0464		
Controlled Access (design)	NCDOT authority to design so as to regulate, restrict, or prohibit access as best to serve the traffic for which such facility is intended			<a href="#">136-89.51</a>		1977-0464		<a href="#">TEPPL Topic A-02</a>
Controlled Access (designation)	NCDOT authority to designate, establish, abandon, improve, construct, maintain and regulate controlled-access facilities as a part of the State highway system, National System of Interstate Highways, and Federal Aid Primary System			<a href="#">136-89.50</a>		1977-0464		<a href="#">TEPPL Topic A-02</a>
Controlled Access (designations)	NCDOT authority to designate and establish controlled-access highways; NCDOT requirement for compensation; NCDOT authority to eliminate at-grade road intersections			<a href="#">136-89.53</a>		1977-0464		<a href="#">TEPPL Topic A-02</a>
Controlled Access (fences)	Unlawful to willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way			<a href="#">136-89.58 (6)</a>		1999-0330		<a href="#">TEPPL Topic U-06</a>
Controlled Access (fishing)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Controlled Access (garbage containers)	Garbage collection containers prohibited on full controlled access highways	-		<a href="#">136-18.3 (a)</a>		2012-0085		
Controlled Access (general)	Definition			<a href="#">136-89.49 (2)</a>		1977-0464		<a href="#">TEPPL Topic A-21</a>
Controlled Access (hitchhiking)	It is unlawful for persons to hitchhike or solicit rides, or for drivers to stop for the purpose of picking up one who is hitchhiking or soliciting a ride; exceptions				<a href="#">2E.0410</a>	1978-0701		
Controlled Access (lane use)	Unlawful to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line	-		<a href="#">136-89.58 (3)</a>		1999-0330		<a href="#">TEPPL Topic T-39</a>

Controlled Access (lane use)	Unlawful to drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose			<a href="#">136-89.58 (4)</a>		1999-0330		
Controlled Access (markings)	NCDOT authority to designate separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices			<a href="#">136-89.51</a>		1977-0464		
Controlled Access (medians)	NCDOT authority to divide and separate into separate roadways			<a href="#">136-89.51</a>		1977-0464		<a href="#">TEPPL Topic A-21</a>
Controlled Access (medians)	Unlawful to drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line			<a href="#">136-89.58 (1)</a>		1999-0330		
Controlled Access (medians)	Unlawful to make a left turn or a semicircular or U-turn in the dividing curb section, separation, or line; exception		-	<a href="#">136-89.58 (2)</a>		1999-0330		
Controlled Access (mopeds)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Controlled Access (parking)	Prohibition to stop, park, or leave standing on the right-of-way of interstates and controlled access roads; exceptions		-	<a href="#">20-140.3 (5)</a>		1999-0330		
Controlled Access (parking)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions			<a href="#">136-89.58 (5)</a>		1999-0330		
Controlled Access (plans)	Right-of-way (plans, registration, fees)		-	<a href="#">136-19.4</a>		2001-0390		
Controlled Access (policy)	Declaration of policy; purpose			<a href="#">136-89.48</a>		1957-0993		<a href="#">TEPPL Topic A-21</a>
Controlled Access (refreshments)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on controlled access facilities; conditions; permits; violations; advertising; signs; rules and regulations		-	<a href="#">136-89.59</a>		2012-0085		

Controlled Access (right-of-way)	NCDOT authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		<a href="#">TEPPL Topic A-02</a>
Controlled Access (roads)	Prohibition of farm equipment on fully controlled access highways and interstates; exceptions		-	<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
Controlled Access (signs)	NCDOT authority to designate separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices			<a href="#">136-89.51</a>		1977-0464		
Controlled Access (speed limits)	NCDOT authority to lower or raise speed limits on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Controlled Access (standing)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions			<a href="#">136-89.58 (5)</a>		1999-0330		
Controlled Access (stopping)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions			<a href="#">136-89.58 (5)</a>		1999-0330		
Controlled Access (temporary peak traffic)	NCDOT authority to modify, upgrade, and designate shoulders of controlled access facilities as temporary travel lanes during peak traffic periods, markings, restrictions, emergency parking areas		-	<a href="#">20-146.2 (b)</a>		2012-0194		
Controlled Access (turns)	Unlawful to make a left turn or a semicircular or U-turn in the dividing curb section, separation, or line; exception		-	<a href="#">136-89.58 (2)</a>		1999-0330		
Controlled Access (unlawful use)	Medians, left turns, U-turns, openings, lane use, stopping, parking, standing, fences		-	<a href="#">136-89.58</a>		1999-0330		
Controlled Access (vegetation)	Process for requesting planting on controlled access facilities				<a href="#">2D.0423</a>	1993-1101		



Correction Enterprises (NCDOT responsibilities)	NCDOT shall give preference to purchasing articles, products, and commodities from Correction Enterprises manufactured or produced in the State prison system; exceptions; prices			<a href="#">148-134</a>		2021-0180		
Correction Enterprises (signs)	NCDOT shall give preference to purchasing articles, products, and commodities from Correction Enterprises manufactured or produced in the State prison system; exceptions; prices			<a href="#">148-134</a>		2021-0180		
County Powers (abandonment)	Authority to request abandonments from the State highway system			<a href="#">136-55.1</a>		1993-0533		
County Powers (bridges)	Authority to agree to municipal ordinances regulating or prohibiting fishing from bridges outside, but within one mile, of corporate limits			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
County Powers (bridges)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		
County Powers (commissioners)	Requests for construction and improvements (secondary roads right-of-way)			<a href="#">136-18 (26)</a>		2019-0199		
County Powers (complaints)	Authority to file complaints with NCDOT for failure to maintain roads in good condition; authority to appeal to the Governor if aggrieved by NCDOT's actions			<a href="#">136-64</a>		1977-0464		
County Powers (comprehensive transportation plans)	Authority to develop comprehensive transportation plans; requirement for NCDOT to cooperate			<a href="#">136-66.2 (b3)</a>		2001-0168		
County Powers (contracts)	Authority to enter into agreements with the NCDOT and/or any municipality regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		
County Powers (controlled access)	Authority to enter into agreements with the NCDOT and/or any municipality regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		

County Powers (fishing)	Authority to agree to municipal ordinances regulating or prohibiting fishing from bridges outside, but within one mile, of corporate limits			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
County Powers (golf carts)	Authority to regulate, register, charge fees; age restriction			153A-245		2009-0459		<a href="#">TEPPL Topic G-05</a>
County Powers (maintenance)	Relieved of all responsibility and liability for the upkeep and maintenance of the State highway system			<a href="#">136-97 (a)</a>		1991-0689		
County Powers (neighborhood public roads)	Authority for board of county commissioners to request NCDOT to place neighborhood public roads into a passable condition			<a href="#">136-67</a>		1997-0443		
County Powers (public roads)	Authority to levy taxes on property or persons within the respective county, district, or township for which bonds or other indebtedness were issued or incurred and to provide for the payment of such obligations		-	<a href="#">136-51</a>		2007-0428		
County Powers (public roads)	Authority to participate in the cost of rights-of-way, construction, and maintenance of roads on the State highway system under agreement with the NCDOT			<a href="#">136-51</a>		2007-0428		
County Powers (secondary roads)	Authority to receive petitions from citizens concerning additions and improvements; authority to provide recommendations to the NCDOT		-	<a href="#">136-62</a>		1977-0464		
County Powers (secondary roads)	Authority to request the Board of Transportation change or abandon any secondary road			<a href="#">136-63</a>		1993-0533		
County Powers (speed limits)	Authority to lower speed limits on school property; requests and consent; signs; penalties			<a href="#">20-141 (e1)</a>		2013-0360		
County Powers (speed limits)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		
County Powers (structures)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		

County Powers (tolls)	Authority to establish, operate, maintain, and supervise ferries and toll bridges on public roads not under the supervision and control of NCDOT			<a href="#">136-88</a>		1977-0464		
County Powers (vehicles)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on their highway system due to climatic conditions; requirement for signs	-		<a href="#">20-121</a>		1977-0464		
County Powers (weights)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on their highway system due to climatic conditions; requirement for signs	-		<a href="#">20-121</a>		1977-0464		
Crashes (fixed objects)	Requirement to report damage to law enforcement or owner			<a href="#">20-166 (c1)</a>		2008-0128		
Crashes (general)	Definition			20-4.01 (4c)		2021-0033		
Crashes (general)	Duty to stop and remain with vehicle, provide information, rendering first aid or emergency assistance, injuries, removal of vehicles prohibited, penalties, exceptions			<a href="#">20-166</a>		2008-0128		
Crashes (general)	Report on the number of fatal accidents and the number of persons killed in fatal accidents published monthly by NCDMV's Collision Reports/General Services Section				3F.0202	1991-1101	<a href="#">Crash Facts and Reporting</a>	
Crashes (general)	Requirement to notify law enforcement of accidents, insurance, parked or unattended vehicles, investigations and reports, evidence, public records, statistical information and research, penalties, exceptions			<a href="#">20-166.1</a>		2016-0090		
Crashes (general)	Special holiday reports giving information on prior year fatalities, injuries, accidents and driver violations published by NCDMV's Collision Reports/General Services Section				3F.0203	1991-1101		
Crashes (general)	Summary of motor vehicle traffic accidents published monthly and annually by NCDMV's Collision Reports/General Services Section				3F.0201	1991-1101		
Crashes (good Samaritan law)	Protection of individuals rendering first aid or emergency services, exceptions			<a href="#">20-166 (d)</a>		2008-0128		

Crashes (move over law)	Requirement to move vehicle(s) from travel lanes if no injuries, deaths, and can be driven normally and safely			<a href="#">20-166 (c2)</a>		2008-0128		
Crashes (parked vehicles)	Requirement to notify owner			<a href="#">20-166.1 (c)</a>		2016-0090		
Crashes (reportable)	Definition			20-4.01 (33b)		2021-0033		
Crashes (reports)	Evidence, public records, exceptions			<a href="#">20-166.1 (i)</a>		2016-0090		
Crashes (unattended vehicles)	Requirement to notify owner			<a href="#">20-166.1 (c)</a>		2016-0090		
Crashes (utilities)	Requirement to report damage to law enforcement or owner			<a href="#">20-166 (c1)</a>		2008-0128		
Crossings (closures)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Crossings (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.1 (e)</a>		2019-0036		
Crossings (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.3 (f)</a>		2019-0036		
Crossings (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.4 (g)</a>		2019-0036		
Crossings (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			20-142.5		2019-0036		
Crossings (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings; penalties			<a href="#">20-142.2</a>		2005-0349		
Crossings (eminent domain)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Crossings (maintenance)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		

Crossings (pedestrians)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Crossings (pedestrians)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Crossings (railroads)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers			<a href="#">20-142.2</a>		2005-0349		
Crossings (railroads)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		
Crossings (railroads)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Crossings (railroads)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		
Crossings (railroads)	NCDOT required to pay for changes in track elevation if crossing grade changes due to road work; exceptions				<a href="#">2B.0157</a>	1993-1001		
Crossings (railroads)	Obstructions, construction, repairs			<a href="#">136-192</a>		1998-0128	Recodified from 62-224	
Crossings (railroads)	Prohibition against drivers entering railroad crossings without sufficient space to accommodate their vehicle; penalties; commercial motor vehicle employers			20-142.5		2019-0036		
Crossings (railroads)	Prohibition against operating or moving any crawler-type tractor, crane, or roller or any equipment or structure upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		

Crossings (railroads)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.1 (e)</a>		2019-0036		
Crossings (railroads)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.3 (f)</a>		2019-0036		
Crossings (railroads)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.4 (g)</a>		2019-0036		
Crossings (railroads)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			20-142.5		2019-0036		
Crossings (railroads)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings; penalties			<a href="#">20-142.2</a>		2005-0349		
Crossings (railroads)	Railroads required to pay for changes in road elevation if crossing grade changes due to track work; requirements				<a href="#">2B.0158</a>	1993-1001		
Crossings (railroads)	<b>RECODIFIED:</b> Obstructions, construction, repairs		-	<a href="#">62-224</a>		1998-0128	Recodified as 136-192	
Crossings (railroads)	<b>REPEALED:</b> Stopping			<a href="#">20-143</a>		1991-0368	Repealed effective 10/1/1991	
Crossings (railroads)	<b>REPEALED:</b> Stopping			<a href="#">20-143.1</a>		1991-0368	Repealed effective 10/1/1991	
Crossings (railroads)	Requirement for drivers of certain vehicles to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		

Crossings (railroads)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching; prohibition to circumnavigate crossing gates and barriers; pedestrians; penalties; commercial motor vehicle employers			<a href="#">20-142.1</a>		2019-0036		
Crossings (railroads)	Requirements and restrictions on overtaking and passing		-	<a href="#">20-150 (c)</a>		2016-0090		
Crossings (railroads)	Safety and unreasonable interference (at-grade, underpasses, overpasses); safety devices; construction; maintenance; costs			<a href="#">136-20</a>		1994-0024es		
Crossings (railroads)	Separations, requirements, costs, widenings				<a href="#">2B.0154</a>	1978-0701		
Crossings (railroads)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Crosswalks (marked)	Prohibition against drivers entering marked crosswalks without sufficient space to accommodate their vehicle; penalties; commercial motor vehicle employers			20-142.5		2019-0036		
Crosswalks (marked)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Crosswalks (pedestrians)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		<a href="#">TEPPL Topic C-36</a>
Crosswalks (pedestrians)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Crosswalks (right-of-way)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		<a href="#">TEPPL Topic C-36</a>
Crosswalks (unmarked)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Damage (federal disaster assistance)	<b>REPEALED:</b> Federal disaster assistance				2D.0425	2019-0601	Repealed effective 6/1/2019	

Damage (fences)	Unlawful to willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way			<a href="#">136-89.58 (6)</a>		1999-0330		<a href="#">TEPPL Topic U-06</a>
Damage (signs)	Prohibition on damaging, removing, or possessing signs posted under the authority of the General Statutes (exceptions, violations, enforcement)		-	<a href="#">136-33</a>		1994-0024es		
Damages (bridges)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Damages (highways)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Damages (roads)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Damages (roadways)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Damages (shoulders)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Damages (State highway system)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Definitions (general)	Various definitions			20-4.01		2021-0033		
Definitions (highways)	Entire width between property or right-of-way lines			20-4.01 (13)		2021-0033		
Definitions (house trailers)	Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle		-	20-4.01 (14)		2021-0033		



Definitions (public vehicular area)	(PVA) Any area that meets one or more of the following requirements: is used by the public for vehicular traffic at any time, is a beach area used by the public for vehicular traffic, is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, and/or is a portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4			20-4.01 (32)		2021-0033		<a href="#">TEPPL Topic P-25</a>
Design (bridges)	NCTA authority to undertake preliminary design work			136-89.183 (a) (2)		2015-0241		
Design (curb ramps)	Guidelines				2D.0104	1993-1201		<a href="#">Roadway Design Manual</a>
Design (drainage)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	<a href="#">Roadway Design Manual</a>
Design (general)	NCDOT (general authority)		-	<a href="#">136-18 (1)</a>		2019-0199		<a href="#">Roadway Design Manual</a>
Design (roads)	NCTA authority to undertake preliminary design work			136-89.183 (a) (2)		2015-0241		<a href="#">Roadway Design Manual</a>
Design (structures)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	<a href="#">Roadway Design Manual</a>
Designations (business routes)	<b>REPEALED:</b> Business and bypass route designations; services				<a href="#">2B.0214</a>	1980-0411	Repealed effective 4/11/1980	
Designations (bypass routes)	<b>REPEALED:</b> Business and bypass route designations; services				<a href="#">2B.0214</a>	1980-0411	Repealed effective 4/11/1980	
Designations (frontage roads)	NCDOT authority to designate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Designations (NCTA powers)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
Designations (one-way traffic)	Authority of NCDOT to designate and sign roadways for one-way traffic		-	<a href="#">20-165.1</a>		1977-0464		

Designations (railroad crossings)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers			<a href="#">20-142.2</a>		2005-0349		
Designations (scenic byways)	Applications, requirements, Roadside Environmental Unit				2E.1006	1995-0301		
Designations (scenic byways)	Criteria, requirements, preferences				2E.1004	1995-0301		
Designations (scenic byways)	Process, approvals, denials, Roadside Environmental Unit, Board of Transportation				2E.1005	1995-0301		
Designations (service roads)	NCDOT authority to designate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Design-Build (construction)	NCDOT authority; requirements			136-28.11		2013-0360		
Design-Build (contracts)	Design and construction separate (definitions, requirements, public notices, selection, bonds)			143-128.1B		2014-0042		
Design-Build (contracts)	Design and construction together (definitions, requirements, public notices, selection, bonds)			143-128.1A		2014-0042		
Detours	Requirement to select, lay out, maintain and keep in as good repair as possible, and to provide explicit directions; expenses to come from the State Highway Fund			<a href="#">136-25</a>		1977-0464		
Detours (permits)	Drivers shall check with the office issuing a permit prior to proceeding on officially detoured routes from the specified route on the permit			<a href="#">20-364</a>		2004-0124		
Disabilities (employment)	Employment of Individuals with Disabilities		<a href="#">29 USC 791</a>	-	-	2010-1005		
District Engineer Powers (housemoving)	Authority to approve or deny permits for housemoving				<a href="#">2D.0601</a>	2019-0701		
District Engineer Powers (housemoving)	Authority to issue permits for structures with widths ≤ 36 feet, authority to waive time period requirements, review requirements			20-361		1991-0813		
District Engineer Powers (outdoor advertising)	Vegetation removal (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
District Engineer Powers (school improvements)	Reimbursement for transportation improvements completed on the State highway system are initiated here				2C.0116	2018-0223		

District Engineer Powers (school improvements)	Shall evaluate and recommend compliance of selected school site access points				2C.0116 (d)	2018-0223		
District Engineer Powers (subdivision roads)	Right-of-way, design, maps/plats, construction standards, approvals		-	<a href="#">136-102.6 (c)</a>		2021-0121		
District Engineer Powers (subdivision roads)	Transportation corridors		-	<a href="#">136-102.6 (j)</a>		2021-0121		
Division Engineer Powers (access roads)	Authority to determine the standards of access roads constructed by others being considered for addition to the State highway system				<a href="#">2C.0110 (c)</a>	1993-1229		
Division Engineer Powers (Adopt-A-Highway program)	Authority to approve applications				2D.1003	2002-0801		<a href="#">Adopt-A-Highway Program</a>
Division Engineer Powers (contracts)	Authority to agree to annual work plans submitted by municipalities for their maintenance of the State highway system		-	<a href="#">136-66.1 (3)</a>		2005-0382		
Division Engineer Powers (housemoving)	Authority to approve or deny permits for housemoving				<a href="#">2D.0601</a>	2019-0701		
Division Engineer Powers (housemoving)	Authority to issue permits for structures with widths ≤ 36 feet, authority to waive time period requirements, review requirements			20-361		1991-0813		
Division Engineer Powers (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
Division Engineer Powers (obstructions)	Authority to remove obstructions interfering with traffic or maintenance				<a href="#">2E.0404 (c)</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Division Engineer Powers (permits)	Authority to approve or deny permits for selective vegetation removal				2E.0603	2015-0101		
Division Engineer Powers (permits)	Requirement to issue 30-day permits without cost for refreshments at rest areas and welcome centers		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Division Engineer Powers (refreshments)	Requirement to issue 30-day permits without cost for refreshments at rest areas and welcome centers		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Division Engineer Powers (rest areas)	Requirement to issue 30-day permits without cost for refreshments at rest areas and welcome centers		-	<a href="#">136-89.59 (1)</a>		2012-0085		

Division Engineer Powers (vegetation)	Authority to approve or deny permits for selective vegetation removal				2E.0603	2015-0101		
Division Engineer Powers (welcome centers)	Requirement to issue 30-day permits without cost for refreshments at rest areas and welcome centers		-	<a href="#">136-89.59 (1)</a>		2012-0085		
Drainage (canals)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Drainage (design)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	<a href="#">Roadway Design Manual</a>
Drainage (drainage districts)	Minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Drainage (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Drainage (obstructions)	Prohibition; penalty		-	<a href="#">136-92</a>	-	1995-0163		
Drainage (obstructions)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Drainage (public roads)	Requirement to cut another ditch or drain to take water from a road when any ditch or drain turns water into any public road			<a href="#">136-95</a>		1887-0261		
Drainage (right-of-way)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Drainage (roads)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Drainage (secondary roads)	Minimum standards				<a href="#">2C.0102</a>	1993-1229		
Drainage (State highway system)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Drainage (structures)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	
Drainage (subdivision roads)	Requirements				2C.0205	1993-1229		

Drilling/Boring (right-of-way)	Filing record of results, written authorization, public record		-	<a href="#">136-102.2</a>		2009-0266		
Driveways (fire stations)	The Board of Transportation may finance the construction of entrance driveways to vehicle bays of rural volunteer firehouses and at rural rescue squad facilities, and may provide maintenance; cost, requirements				2C.0115	1993-1229		
Driveways (firehouses)	NCDOT authority to pave			136-18 (24)		2019-0199		
Driveways (general)	Construction, permits, exceptions, local ordinances				<a href="#">2B.0601</a>	1993-1001		<a href="#">TEPPL Topic A-21</a>
Driveways (general)	<b>REPEALED:</b> Channelization for entrances and exits to property				<a href="#">2B.0240</a>	2019-0201	Repealed effective 2/1/2019	<a href="#">TEPPL Topic A-21</a>
Driveways (NCDOT powers)	Authority to approve intersecting the State highway system with private driveways and roadways, requirements		-	-	<a href="#">2E.0416 (a)</a>	1978-0701		<a href="#">TEPPL Topic A-21</a>
Driveways (parking)	Parking in front of a private driveway is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Driveways (permits)	Application approval process				2B.0604	1993-1001		<a href="#">TEPPL Topic A-21</a>
Driveways (permits)	Application review period				2B.0605	1993-1001		<a href="#">TEPPL Topic A-21</a>
Driveways (permits)	Application, requirements				2B.0602	1993-1229		<a href="#">TEPPL Topic A-21</a>
Driveways (permits)	Permits required to construct any commercial entrance with the right-of-way of the State highway system				<a href="#">2E.0417</a>	1993-1101		<a href="#">TEPPL Topic A-21</a>
Driveways (permits)	Requirements, exceptions				<a href="#">2B.0601</a>	1993-1001		<a href="#">TEPPL Topic A-21</a>
Driveways (permits)	Special commercial property				<a href="#">2B.0603</a>	1995-0101		
Driveways (pipes)	Installation of driveway pipe, cost, requirements, applications, permits				<a href="#">2D.0421</a>	1993-1101		
Driveways (rescue squads)	NCDOT authority to pave			136-18 (24)		2019-0199		
Driveways (rescue squads)	The Board of Transportation may finance the construction of entrance driveways to vehicle bays of rural volunteer firehouses and at rural rescue squad facilities, and may provide maintenance; cost, requirements				2C.0115	1993-1229		
Driveways (right-of-way)	Unlawful to revise or construct any commercial entrance with the right-of-way of the State highway system, exceptions				<a href="#">2E.0417</a>	1993-1101		

Driveways (school buses)	Construct, pave, and maintain facilities (public schools - may condition)		-	<a href="#">136-18 (17)</a>		2019-0199		
Driveways (schools)	The Board of Transportation shall pave a school bus drive and stabilize a school bus parking area at public schools.				2C.0114	1993-1229		
Driveways (standing)	Standing in front of a private driveway is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Driveways (State highway system)	Unlawful to intersect the State highway system with private driveways or roadways, exceptions, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		<a href="#">TEPPL Topic A-21</a>
Driveways (State highway system)	Unlawful to revise or construct any commercial entrance with the right-of-way of the State highway system, exceptions				<a href="#">2E.0417</a>	1993-1101		<a href="#">TEPPL Topic A-21</a>
Driveways (structures)	Installation of driveway pipe, cost, requirements, applications, permits				<a href="#">2D.0421</a>	1993-1101		<a href="#">Roadway Design Manual</a>
Easements (material deposits)	Road materials (material deposits)		-	<a href="#">136-18 (3)</a>		2019-0199		
Easements (property access)	NCDOT authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
Easements (property access)	Special proceedings for establishment, alteration or discontinuance of cartways, church roads, mill roads, tramways, railways, etc.; petitions; appeals			136-68		1995-0513		
Eminent Domain (crossings)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Eminent Domain (NCDOT authority)	Right-of-way acquisition (NCDOT authority)			<a href="#">136-18 (16)</a>		2019-0199		
Eminent Domain (railroads)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Eminent Domain (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Eminent Domain (tolls)	NCTA authority for eminent domain			136-89.183 (a) (4)		2015-0241		

Eminent Domain (utilities)	Providers of electric power or hydroelectric power may exercise the right of eminent domain after consent; requirements		-	<a href="#">62-181</a>		1963-1165		
Equipment (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Equipment (heavy)	Prohibition against moving equipment upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Equipment (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Equipment (rental)	NCDOT may rent privately-owned equipment				2D.0410	1993-1101		
Erosion Control (general)	Title (Sedimentation Pollution Control Act of 1973)			113A-50		1973-0392		
Erosion Control (plants)	Acceptable trees, shrubs, vines, grasses, and legumes		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Erosion Control (plants)	Maintaining stability and aesthetics		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Erosion Control (plants)	Native plants (classification, strong preference for using)		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Erosion Control (standards)	Land-disturbing activities			<a href="#">113A-57</a>		2013-0413		
Erosion Control (violations)	Violations, damages, civil relief			113A-66		2002-0165		
Escort Driver Program (certification)	Requirements				<a href="#">2D.0643</a>	2003-0401		<a href="#">TEPPL Topic E-13</a>
Escort Driver Program (general)	Certification process, reciprocity, restrictions, requirements, Community College System, term, revocation, appeals				<a href="#">2D.0644</a>	2009-0401		<a href="#">TEPPL Topic E-13</a>
Escort Driver Program (rules)	NCDOT requirement to issue rules establishing an escort driver training and certification program		-	<a href="#">20-119 (f)</a>		2017-0097		<a href="#">TEPPL Topic E-13</a>
Experience Rate Modifiers (confidentiality)	Confidential			58-36-16		2012-0135		<a href="#">TEPPL Topic E-14</a>

Experience Rate Modifiers (definitions)	Definition			95-250		1991-0962		<a href="#">TEPPL Topic E-14</a>
Experience Rate Modifiers (general)	Modifications			58-36-1 (4)		2001-0423		<a href="#">TEPPL Topic E-14</a>
Experience Rate Modifiers (reporting)	Reporting (NCDOL)			95-255		1991-0962		<a href="#">TEPPL Topic E-14</a>
Experience Rate Modifiers (safety and health committees)	Requirement for employee safety and health committees					1993-0802	13 NCAC 07A.0601	<a href="#">TEPPL Topic E-14</a>
Experience Rate Modifiers (safety and health committees)	Safety and health committees (establishment, requirements)			95-252		1991-0962		<a href="#">TEPPL Topic E-14</a>
Experience Rate Modifiers (safety and health programs)	Safety and health program (establishment, requirements)			95-251		1991-0962		<a href="#">TEPPL Topic E-14</a>
Explosives (cargo)	Persons operating vehicles transporting explosives shall comply with the rules and regulations of the USDOT			<a href="#">20-167</a>		1985-0454		
Explosives (general)	Definition			20-4.01 (10)		2021-0033		
Farm Equipment (controlled access)	NCDOT authority to allow farm equipment on fully controlled access highways and interstates; process; requirements; publishing of routes and conditions	-		<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
Farm Equipment (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Farm Equipment (lights)	Requirement for white lamps and red lamps on farm tractors, exception for red reflectors	-		<a href="#">20-129 (f)</a>		2017-0211		
Farm Equipment (operation)	Self-propelled grain combines or other self-propelled farm equipment shall be operated to the right of the centerline; exceptions			<a href="#">20-146 (a1)</a>		2015-0263		
Farm Equipment (reflectors)	Requirement for white lamps and red lamps on farm tractors, exception for red reflectors	-		<a href="#">20-129 (f)</a>		2017-0211		



Farm Equipment (routes)	NCDOT authority to allow farm equipment on fully controlled access highways and interstates; process; requirements; publishing of routes and conditions		-	<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
Farm Equipment (self-propelled)	Exceptions to size and weight restrictions; specifications; requirements		-	<a href="#">20-116 (j)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
Farm Equipment (self-propelled)	NCDOT authority to allow farm equipment on fully controlled access highways and interstates; process; requirements; publishing of routes and conditions		-	<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
Farm Equipment (tractors)	Requirement for white lamps and red lamps, exception for red reflectors		-	<a href="#">20-129 (f)</a>		2017-0211		
Farm Equipment (trailers)	Exceptions, requirements		-	<a href="#">20-123 (a)</a>		1997-0148		
Farm Tractors (general)	Definition			20-4.01 (11)		2021-0033		
Farm Tractors (impeding traffic)	Exceptions for impeding the normal and reasonable movement of traffic		-	<a href="#">20-141 (h)</a>		2013-0360		
Fences (Chief Engineer powers)	Authority to allow persons or firms to construct, place, or erect fences in the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		
Fences (Chief Engineer powers)	Authority to allow persons to erect fences within the right-of-way, requirements				<a href="#">2E.0418</a>	2012-1201		
Fences (construction)	Unlawful for persons or firms to construct, place, or erect fences in the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Fences (controlled access)	Unlawful to willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way			<a href="#">136-89.58 (6)</a>		1999-0330		<a href="#">TEPPL Topic U-06</a>
Fences (damage)	Unlawful to willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way			<a href="#">136-89.58 (6)</a>		1999-0330		<a href="#">TEPPL Topic U-06</a>
Fences (general)	NCDOT authority for rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		<a href="#">TEPPL Topic H-11</a>
Fences (right-of-way)	Unlawful for persons to erect fences within the right-of-way, exceptions			-	<a href="#">2E.0418</a>	2012-1201		
Ferries (baby carriages)	Space availability, liability				2D.0526	1978-0701		
Ferries (baggage)	In vehicles, allowances, requirements				2D.0529	1978-0701		
Ferries (baggage)	Liability				2D.0514	1978-0701		

Ferries (baggage)	Right to refuse baggage and other property, liability				2D.0530	1993-1201		
Ferries (cancellations)	Notices, conditions, liability				2D.0505	1993-1201		
Ferries (carrier)	Definition				2D.0503	1993-1201		
Ferries (claims)	Claims for loss or injury to persons or property				2D.0515	1978-0701		
Ferries (contracts)	NCDOT may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities			136-28.1 (i)		2018-0005		
Ferries (contracts)	The construction, maintenance, and repair of ferryboats and all other marine floating equipment deemed highway construction, maintenance, or repair			136-28.1 (c)		2018-0005		
Ferries (corpses)	Transported in vehicles only				2D.0527	1978-0701		
Ferries (general)	Application of rules				2D.0501	1993-1201		
Ferries (general)	NCDOT authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system; tolls; vessels, boats, and terminals; operation; contracts; proceeds; NCDOT authority to generate certain receipts			<a href="#">136-82</a>		2018-0136		
Ferries (hand baggage)	Definition				2D.0504	1978-0701		
Ferries (hand baggage)	Excessive, arrangements, assistance				2D.0528	1978-0701		
Ferries (inoperative vehicles)	Not accepted, trailers, disabled vehicles, towing, exceptions				2D.0522	1978-0701		
Ferries (insurance)	Liability, insurance, obligations				2D.0516	1978-0701		
Ferries (landing)	Definitions				2D.0508	1978-0701		
Ferries (liability)	Conditions				2D.0511	1978-0701		
Ferries (livestock)	Convenience, liability, specifications				2D.0523	1993-1201		
Ferries (mail trucks)	Priority privileges				2D.0536	1978-0701		
Ferries (medical care)	Treatment, liability, conditions				2D.0510	1978-0701		
Ferries (operation of vehicles)	Prohibited by employees				2D.0521	1993-1201		
Ferries (operations)	<b>EXPIRED:</b> Free operations				2D.0531	2016-1001	Expired effective 10/1/2016	
Ferries (operations)	<b>EXPIRED:</b> Toll operations				2D.0532	2016-1001	Expired effective 10/1/2016	

Ferries (permits)	Maximum physical dimensions of vehicles, vehicles requiring oversize or overweight permits				<a href="#">2D.0539</a>	1993-1201		
Ferries (personal property)	Responsibility, liability				2D.0512	1978-0701		
Ferries (pets)	Liability				2D.0525	1991-1101		
Ferries (pets)	Requirements for transport				2D.0524	1993-1201		
Ferries (reservations)	Routes, process, limitations, cancellations				2D.0535	1978-0701		
Ferries (right to refuse transport)	Affecting rules pertaining to safe and efficient operations				2D.0518	1993-1201		
Ferries (right to refuse transport)	Cargo				2D.0519	1993-1201		
Ferries (right to refuse transport)	Under the influence, incapable of self-care, conduct, exceptions				2D.0517	1993-1201		
Ferries (schedules)	Locations				2D.0537	1993-1201		
Ferries (theft)	Liability				2D.0513	1978-0701		
Ferries (tickets)	Limitations				2D.0533	1993-1201		
Ferries (tickets)	Redemption, unused, altered, mutilated				2D.0534	1993-1201		
Ferries (tickets)	Tickets, requirements				2D.0502	1993-1201		
Ferries (tolls)	Board of Transportation authority to change toll rates and toll-setting methodology; reporting requirements	-		<a href="#">136-82 (c)</a>		2018-0136		
Ferries (tolls)	County boards of commissioners authority to establish, operate, maintain, and supervise ferries on public roads not under the supervision and control of NCDOT			<a href="#">136-88</a>		1977-0464		
Ferries (tolls)	NCDOT requirement to establish tolls on certain routes	-		<a href="#">136-82 (b)</a>		2018-0136		
Ferries (tolls)	Secretary of Transportation authority to suspend tolls	-		<a href="#">136-82 (b2)</a>		2018-0136		
Ferries (vehicle brakes)	Emergency brakes, parking gear, engines				2D.0520	1993-1201		
Ferries (vehicle dimensions)	Maximum physical dimensions of vehicles, vehicles requiring oversize or overweight permits				<a href="#">2D.0539</a>	1993-1201		
Ferries (vehicle weight)	Ferry class, weight limits by axle				<a href="#">2D.0538</a>	1991-1101		
Ferries (vessel master)	Responsibility				2D.0509	1991-1101		
Ferries (vessels)	Substitutes, liability				2D.0507	1978-0701		
Ferries (voyages)	Completion, failure, conditions, refunds				2D.0506	1978-0701		

Ferries (wild animals)	Liability				2D.0525	1991-1101		
Ferries (wild animals)	Requirements for transport				2D.0524	1993-1201		
Financial (archaeological objects)	NCDOT authority to expend funds for the recording and preservation of archaeological objects		-	<a href="#">136-42.1</a>		2015-0241		
Financial (bonds)	NCDOT authority to require a bond before issuing a permit		-	<a href="#">136-93 (a)</a>		2014-0115		
Financial (bridges)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Financial (budget and appropriations)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
Financial (comprehensive transportation plans)	NCDOT authority to provide financial assistance to non-MPO municipalities			<a href="#">136-66.2</a>		2001-0168		
Financial (congestion management)	NCDOT authority to deduct the cost of maintenance from municipal allotments if municipalities fail to maintain improvement projects which facilitate the flow of people and goods			<a href="#">136-66.5 (c)</a>		2009-0266		
Financial (congestion management)	NCDOT authority to fund, and restrictions, contracts with municipalities which facilitate the flow of people and goods			<a href="#">136-66.5 (a)</a>		2009-0266		
Financial (congestion management)	NCDOT authority to reimburse municipalities for improvement projects on the State highway system which facilitate the flow of people and goods			<a href="#">136-66.5 (b)</a>		2009-0266		
Financial (contracts)	Adoption of federal contract guidelines, purpose, non-federally funded projects				5B.0301	1993-1201		
Financial (contracts)	Definitions				5B.0209	1993-1201		
Financial (contracts)	Desk audits, field audits, decision criteria				5B.0204	1993-1201		

Financial (contracts)	Exemptions for certain projects from selection of architectural, engineering, and surveying services without regard to fee if estimated amount is below a certain threshold			143-64.32		2013-0401		
Financial (contracts)	Pre-award audits, accounting systems, contracting firms and agencies, recipients of grants, costs				5B.0202	1993-1201		
Financial (contracts)	Pre-award audits, financial capabilities, contracting firms and agencies, recipients of grants or loans, exceptions, reporting				5B.0201	1993-1201		
Financial (contracts)	Pre-award audits, proposed costs				5B.0203	1993-1201		
Financial (contracts)	<b>REPEALED:</b> Information in lieu of airport pre-audit				5B.0206	1991-1101	Repealed effective 11/1/1991	
Financial (contracts)	<b>REPEALED:</b> Partial, interim, or final audit; desk or field				5B.0207	1993-1201	Repealed effective 12/1/1993	
Financial (contracts)	<b>REPEALED:</b> Performance of partial and final audits				5B.0208	1993-1201	Repealed effective 12/1/1993	
Financial (contracts)	<b>REPEALED:</b> Waiver of airport pre-audit				5B.0205	1991-1101	Repealed effective 11/1/1991	
Financial (contracts)	Selection of architectural, engineering, and surveying services based on demonstrated competence and qualification without regard to fee, resident firms, exceptions			143-64.31		2014-0042		
Financial (controlled access)	NCDOT authority to designate and establish controlled-access highways; NCDOT requirement for compensation; NCDOT authority to eliminate at-grade road intersections			<a href="#">136-89.53</a>		1977-0464		
Financial (controlled access)	NCDOT, counties, municipalities, and/or the federal government can enter into agreements regarding controlled access facilities			<a href="#">136-89.54</a>		1977-0464		
Financial (detours)	Expenses to come from the State Highway Fund		-	<a href="#">136-25</a>		1977-0464		

Financial (drainage)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Financial (equipment rental)	NCDOT authority to furnish municipalities road maintenance equipment through rental agreements; minimum cost; exception		-	<a href="#">136-34</a>		1977-0464		
Financial (excess permit fees)	Funds generated by overweight and oversize permit fees in excess of the cost of administering the program shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads.			<a href="#">20-119.1</a>		2005-0276		
Financial (federal aid)	NCDOT authority to contract (survey, construction, improvement, maintenance)		-	<a href="#">136-18 (12)</a>		2019-0199		
Financial (fees)	NCDOT authority to charge fees for permits for the operation or movement of vehicles of excessive size or weight		-	<a href="#">20-119 (b)</a>		2017-0097		
Financial (fees)	NCDOT requirement to review and recommend adjustments to permit fees at least every two (2) years		-	<a href="#">20-119 (e)</a>		2017-0097		
Financial (ferries)	Board of Transportation authority to establish and change toll rates or toll-setting methodology; Secretary of Transportation authority to suspend tolls; proceeds; NCDOT authority to generate certain receipts; use of proceeds and receipts; reserve accounts; fees		-	<a href="#">136-82</a>		2018-0136		
Financial (GARVEE bonds)	NCDOT authority to issue		-	<a href="#">136-18 (12b)</a>		2019-0199		
Financial (historical markers)	NCDOT requirement to transfer funds to NCDNCR for the purchase of historical markers; requirement to erect markers on sites selected by NCDNCR; maintenance funds; authority to use federal funds			<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>

Financial (inspection work)	NCDOT authority enter into reciprocal agreements with other states and the USDOT to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in transportation construction and repair			<a href="#">136-35</a>		2009-0266		
Financial (junkyards)	Funding, requirements, exceptions			136-155	-	1977-0464		
Financial (LOGO)	NCDOT authority to collect fees; Board of Transportation authority to set fees		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds agreements and requirements				2B.0314	1978-0701		
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds allocation				2B.0311	1993-0726		
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds matching				2B.0312	1993-0726		
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds programming				2B.0313	1991-1101		
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds purpose and administration				2B.0309	1993-0301		
Financial (metropolitan planning funds)	Metropolitan planning (PL) funds recipients and definitions				2B.0310	1993-0726		
Financial (municipal assessments)	Municipal authority to require property owners, including railroads, to pay a portion of maintenance costs			<a href="#">136-27</a>		1977-0464		
Financial (municipal powers)	Municipal authority to financially participate in transportation projects, requirements				2B.0315	1993-1201		
Financial (municipalities)	Authority to pay for contracts with municipalities for the maintenance and construction of streets on the State highway system		-	<a href="#">136-66.1 (3)</a>		2005-0382		
Financial (municipalities)	NCDOT authority to adopt policies allowing small municipalities to accumulate funds		-	<a href="#">136-41.3 (c)</a>		2017-0057		
Financial (municipalities)	NCDOT authority to deduct the cost of maintenance from municipal allotments if municipalities fail to maintain improvement projects which facilitate the flow of people and goods			<a href="#">136-66.5 (c)</a>		2009-0266		

Financial (municipalities)	NCDOT authority to fund, and restrictions, contracts with municipalities which facilitate the flow of people and goods			<a href="#">136-66.5 (a)</a>		2009-0266		
Financial (municipalities)	NCDOT authority to reimburse municipalities for improvement projects on the State highway system which facilitate the flow of people and goods			<a href="#">136-66.5 (b)</a>		2009-0266		
Financial (outdoor advertising)	Outdoor advertising (removal, acquisition, purchase, condemnation, compensation)			<a href="#">136-131</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
Financial (outdoor advertising)	Outdoor advertising and directional signs (permits, fees)			<a href="#">136-133 (a)</a>		2011-0397		<a href="#">TEPPL Topic I-01</a>
Financial (permits)	NCDOT requirement to develop and implement an express review program for permits, approvals, or certifications for connections to the State highway system (driveways, streets, signals, drainage, and any other encroachment); procedure, staffing; fees		-	<a href="#">136-93.1</a>		2011-0145		
Financial (PL funds)	PL (metropolitan planning) funds agreements and requirements				2B.0314	1978-0701		
Financial (PL funds)	PL (metropolitan planning) funds allocation				2B.0311	1993-0726		
Financial (PL funds)	PL (metropolitan planning) funds matching				2B.0312	1993-0726		
Financial (PL funds)	PL (metropolitan planning) funds programming				2B.0313	1991-1101		
Financial (PL funds)	PL (metropolitan planning) funds purpose and administration				2B.0309	1993-0301		
Financial (PL funds)	PL (metropolitan planning) funds recipients and definitions				2B.0310	1993-0726		
Financial (Powell Bill)	Municipal requirements to establish eligibility for allocations				2B.0306	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
Financial (Powell Bill)	NCDOT requirement to pay state street aid allocations to eligible and qualifying municipalities				2B.0305	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
Financial (purpose)	NCDOT requirement to construct a statewide system of hard-surfaced and other dependable highways at the expense of the entire State		-	<a href="#">136-45</a>		2007-0428		



Financial (railroads)	Cost (installation and maintenance of safety devices, construction and maintenance of underpasses and overpasses)		-	<a href="#">136-20</a>		1994-0024es		
Financial (reimbursements)	NCDOT work in adjoining states; work by adjoining states in NC		-	<a href="#">136-18 (23)</a>		2019-0199		
Financial (right-of-way)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Financial (school improvements)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
Financial (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Financial (spot mobility program)	Mobility, modernization, congestion, delay, requirements, considerations, selection, schools			136-189.20		2019-0231		<a href="#">TEPPL Topic S-81</a>
Financial (state aid)	State aid to municipalities; appropriations by population and mileage; requirements		-	<a href="#">136-41.1</a>		2015-0241		
Financial (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Financial (State parks system)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
Financial (strategic prioritization)	Definitions			136-189.10		2018-0097		

Financial (strategic prioritization)	Investments (funds, formula, formula variance, incentives, reporting, improvement)			136-189.11		2018-0097		
Financial (tolls)	NCTA authority to issue bonds and notes			136-89.183 (a) (6)		2015-0241		
Financial (tolls)	<b>REPEALED:</b> NCDOT authority to charge tolls for bridges; requirements; specifications; reporting		-	<a href="#">136-82.2</a>		2010-0133	Repealed effective 12/1/2010	
Fire Hydrants (parking)	Parking within 15-feet of a fire hydrant is prohibited; exceptions			<a href="#">20-162 (a)</a>		1981-0574		
Fire Hydrants (standing)	Standing within 15-feet of a fire hydrant is prohibited; exceptions			<a href="#">20-162 (a)</a>		1981-0574		
Fire Lanes (parking)	Parking in any area designated as a fire lane is prohibited; exceptions			<a href="#">20-162 (b)</a>		1981-0574		
Fire Lanes (standing)	Standing in any area designated as a fire lane is prohibited; exceptions			<a href="#">20-162 (b)</a>		1981-0574		
Fire Stations (driveways)	The Board of Transportation may finance the construction of entrance driveways to vehicle bays of rural volunteer firehouses and at rural rescue squad facilities, and may provide maintenance; cost, requirements				2C.0115	1993-1229		
Fire Stations (parking)	Parking within 15-feet of the entrance to a fire stations is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Fire Stations (signals)	Municipalities shall pay for special signal equipment used at or adjacent to fire stations, designs shall be approved by NCDOT				<a href="#">2B.0231</a>	1978-0701		
Fire Stations (standing)	Standing within 15-feet of the entrance to a fire stations is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Fishing (bridges)	County and municipal regulations, requests, signs			<a href="#">136-102.5</a>		1977-0464		<a href="#">TEPPL Topic F-11</a>
Fishing (bridges)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Fishing (bridges)	Municipal authority to prohibit or regulate fishing from bridges; requirement for county agreement if outside corporate limits; fishing from drawspans of drawbridges prohibited; enforcement; subject to the authority of NCDOT for the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>

Fishing (controlled access)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Fishing (interstates)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Fixed Objects (crashes)	Requirement to report damage to law enforcement or owner			<a href="#">20-166 (c1)</a>		2008-0128		
Footways	NCDOT authority to erect and maintain adequate footways, in connection with the use of the highways, for the safety and convenience of the public		-	<a href="#">136-81</a>		1977-0464		
Frontage Roads (abandonment)	NCDOT authority to vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Frontage Roads (acquisition)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
Frontage Roads (construction)	NCDOT authority to establish local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Frontage Roads (designation)	NCDOT authority to designate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Frontage Roads (general)	Definition			<a href="#">136-89.49 (3)</a>		1977-0464		
Frontage Roads (maintenance)	NCDOT authority to maintain local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Garbage Collection (container sites)	Garbage collection container sites in State highway right-of-way, requirements, process, guidelines, compliance				<a href="#">2D.0414</a>	2013-0301		
Garbage Collection (containers)	NCDOT authority to issue and revoke permits, promulgate rules and regulations for the location thereof, and removal of unauthorized or illegal containers		-	<a href="#">136-18.3</a>		2012-0085		
Garbage Collection (right-of-way)	Garbage collection container sites in State highway right-of-way, requirements, process, guidelines, compliance				<a href="#">2D.0414</a>	2013-0301		
Gates (pedestrians)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		

Gates (railroad crossings)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Gates (railroads)	Prohibition for vehicles and pedestrians to circumnavigate crossing gates and barriers			<a href="#">20-142.1 (b)</a>		2019-0036		
Gates (railroads)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching			<a href="#">20-142.1 (a)</a>		2019-0036		
Gates (right-of-way)	Prohibition for persons, firms or corporations to erect, maintain or operate any gate which, when opened, will project over the right-of-way; penalty		-	<a href="#">136-94</a>		1994-0024es		
Golf Carts (general)	Definition			20-4.01 (12b)		2021-0033		
Golf Carts (regulations)	County authority to regulate, register, charge fees; age restriction			153A-245		2009-0459		<a href="#">TEPPL Topic G-05</a>
Golf Carts (regulations)	Municipal authority to regulate, register, charge fees; age restriction			160A-300.6		2009-0459		<a href="#">TEPPL Topic G-05</a>
Good Samaritan Law (crashes)	Protection of individuals rendering first aid or emergency services, exceptions			<a href="#">20-166 (d)</a>		2008-0128		
Governor Powers (maintenance)	Requirement to adjust the differences between the board of county commissioners and NCDOT regarding complaints of poor maintenance (if NCDOT actions are appealed by the board of county commissioners)			<a href="#">136-64</a>		1977-0464		
Governor Powers (state-owned vehicles)	Authority to approve NCDOT's adoption and enforcement of rules and to coordinate policies regarding assignments, use, and reimbursement of state-owned passenger motor vehicles			143-341 (8) (i) (7a)		2020-0090		
Governor Powers (truck lengths)	Authority to decide if a segment of interstate is not capable of safely accommodating a commercial motor vehicle of a certain length; procedures; requirements		<a href="#">49 USC 31111</a>	-	-	2015-1204	Recodified from 49 USC 2311 on 7/5/1994	

Governor Powers (truck lengths)	<b>RECODIFIED:</b> Authority to decide if a segment of interstate is not capable of safely accommodating a commercial motor vehicle of a certain length; procedures; requirements		49 USC 2311	-	-	1991-1218	Recodified as 49 USC 31111 and 31112 on 7/5/1994	
Governor Powers (truck widths)	Authority to decide if a segment of interstate is not capable of safely accommodating a commercial motor vehicle of a certain width; procedures; requirements; authority to agree to new designations		<a href="#">49 USC 31113</a>	-	-	1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
Governor Powers (truck widths)	<b>RECODIFIED:</b> Authority to decide if a segment of interstate is not capable of safely accommodating a commercial motor vehicle of a certain width; procedures; requirements; authority to agree to new designations		49 USC 2316	-	-	1984-1030	Recodified as 49 USC 31113 on 7/5/1994	
Grade Crossings (closures)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Grade Crossings (railroads)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		<a href="#">TEPPL Topic R-06</a>
Grade Crossings (railroads)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Grade Crossings (railroads)	NCDOT authority to regulate, abandon, close			<a href="#">136-18 (11)</a>		2019-0199		
Grade Crossings (railroads)	New crossings, approvals, considerations, requirements, costs, notices				2B.0153	1993-1201		<a href="#">TEPPL Topic R-06</a>
Grade Crossings (railroads)	<b>REPEALED:</b> Signalization of existing railroad grade crossings				<a href="#">2B.0152</a>	2019-0601	Repealed effective 6/1/2019	<a href="#">TEPPL Topic R-05</a>
Grade Crossings (railroads)	<b>REPEALED:</b> Signs and signals at railroad grade crossings				2B.0151	1993-1101	Repealed effective 11/1/1993	<a href="#">TEPPL Topic R-05</a>
Grade Crossings (railroads)	<b>REPEALED:</b> Signs and signals at railroad grade crossings				2B.0151	1993-1101	Repealed effective 11/1/1993	<a href="#">TEPPL Topic R-05</a>

Handicapped Persons	Nondiscrimination on the basis of disability in programs or activities receiving federal financial assistance	<a href="#">49 CFR 27</a>	-	-	-	Various		
High Occupancy Vehicles (lane use)	NCDOT and municipal authority to designate high occupancy vehicle (HOV) lanes, signs, markers, pavement markings, restrictions, exceptions		-	<a href="#">20-146.2 (a)</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
High Occupancy Vehicles (toll lanes)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
Highway Division Powers (municipalities)	Requirement to develop annual work plans for maintenance; requirement to consider special needs or information provided by municipalities		-	<a href="#">136-66.1 (1)</a>		2005-0382		
Highways (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Highways (definition)	Entire width between property or right-of-way lines			20-4.01 (13)		2021-0033		
Highways (general)	Definition			20-4.01 (13)		2021-0033		
Highways (maintenance)	Funds generated by overweight and oversize permit fees in excess of the cost of administering the program shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads.			<a href="#">20-119.1</a>		2005-0276		
Highways (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Highways (toll lanes)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		

Historical Markers (corrections)	NCDNCR authority for the correction and relocation of historical markers; procedures		-	<a href="#">136-43.1</a>		2015-0241		<a href="#">TEPPL Topic H-38</a>
Historical Markers (erection)	NCDOT requirement to transfer funds to NCDNCR for the purchase of historical markers; requirement to erect markers on sites selected by NCDNCR; maintenance funds; authority to use federal funds		-	<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>
Historical Markers (general)	NCDOT authority to cooperate with NCDNCR in marking historic spots		-	<a href="#">136-42.2</a>		2015-0241		<a href="#">TEPPL Topic H-38</a>
Historical Markers (NCDNCR powers)	NCDNCR authority to purchase historical markers, NCDNCR authority to select sites to erect historical markers			<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>
Historical Markers (NCDOT requirements)	NCDOT requirement to transfer funds to NCDNCR for the purchase of historical markers; requirement to erect markers on sites selected by NCDNCR; maintenance funds; authority to use federal funds			<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>
Historical Markers (right-of-way)	<b>EXPIRED:</b> Placement of historical markers in the right-of-way				<a href="#">2B.0241</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic H-38</a>
House Trailers (definition)	Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle		-	20-4.01 (14)		2021-0033		
Housemoving (escort vehicles)	Required for housemoving			20-360 (d)		2005-0354		
Housemoving (general)	Definitions		-	<a href="#">20-356</a>		2008-0089		
Housemoving (licenses)	Qualifications for licensure, equipment inspection, fee			20-358		2008-0089		
Housemoving (licenses)	Requirement for licensure			20-357		1977-0720		
Housemoving (permits)	Application, process, requirements, approvals				<a href="#">2D.0601</a>	2019-0701		
Housemoving (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		

Housemoving (permits)	Requirement for applications to divisions or district engineers, time periods, fee, maximum delay requirements, travel plans, alternate routes, considerations, appeals			20-361		1991-0813		
Housemoving (permits)	Requirements, surety bonds, equipment, violations, exceptions, escort vehicles			20-360		2005-0354		
Housemoving (speed limits)	Reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time		-	<a href="#">20-370</a>		1977-0720		
Hurricanes (evacuations)	Standard time frame (bridge and highway construction projects)		-	136-102.7		2005-0275		
Hurricanes (federal disaster assistance)	<b><u>REPEALED:</u></b> Federal disaster assistance				2D.0425	2019-0601	Repealed effective 6/1/2019	
IMAP (lights)	Exception to use rear-facing red lights while stopped to provide assistance or incident management		-	<a href="#">20-130.1 (b) (17)</a>		2015-0276		
Improvements (federal aid)	NCDOT authority to contract		-	<a href="#">136-18 (12)</a>		2019-0199		
Improvements (financial)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
Improvements (landfill roads)	County landfill roads, financing, construction, improvements, right-of-way, process, requirements				<a href="#">2C.0111</a>	1993-1229		
Improvements (municipal powers)	Municipalities are authorized to participate in the right-of-way and construction on the State highway system, process, types, funds, pedestrians, development, reimbursements, changes, proceedings			136-66.3		2015-0241		



Improvements (schools)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
Improvements (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Improvements (secondary roads)	Requirements, exceptions				<a href="#">2C.0104</a>	1993-1229		
Industrial Commission (tort claims)	Court, determination of claims, scope, liability, negligence			143-291		2007-0345		
Information Centers	Definition		-	<a href="#">136-128 (1b)</a>		2000-0101		
Intersections (controlled access)	NCDOT authority to designate and establish controlled-access highways; NCDOT requirement for compensation; NCDOT authority to eliminate at-grade road intersections			<a href="#">136-89.53</a>		1977-0464		
Intersections (curb ramps)	Guidelines				2D.0104	1993-1201		<a href="#">TEPPL Topic C-53</a>
Intersections (general)	Prohibition against drivers entering intersections without sufficient space to accommodate their vehicle; penalties; commercial motor vehicle employers			20-142.5		2019-0036		
Intersections (general)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Intersections (obstructions)	Clearing of hazards (acquisition of right-of-way by eminent domain)		-	<a href="#">136-18 (16)</a>		2019-0199		
Intersections (overtaking)	Requirements and restrictions on overtaking and passing		-	<a href="#">20-150 (c)</a>		2016-0090		
Intersections (parking)	Parking within 25-feet from the intersection of curb lines is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Intersections (passing)	Requirements and restrictions on overtaking and passing		-	<a href="#">20-150 (c)</a>		2016-0090		
Intersections (right-of-way)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles			<a href="#">20-155</a>		1973-1330		
Intersections (standing)	Standing within 25-feet from the intersection of curb lines is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Intersections (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways,			<a href="#">136-93</a>		2014-0115		

	prohibitions, exceptions, violations, penalties							
Intersections (State highway system)	Prohibited; exceptions; permits; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Intersections (subdivision roads)	<b>REPEALED:</b> Requirements				2C.0211	1993-1229	Repealed effective 12/29/1993	
Intersections (traffic circles)	Yielding requirements			<a href="#">20-155 (d)</a>		1973-1330		
Intersections (turns)	Requirements, restrictions, modifications, buttons, markers, signs		-	<a href="#">20-153</a>		1997-0405		
Interstates (animals)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Interstates (bicycles)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Interstates (buses)	Width restrictions		-	<a href="#">20-116 (k)</a>		2015-0286		
Interstates (fishing)	Fishing from bridges on interstates and controlled access highways is prohibited				<a href="#">2E.0408</a>	1978-0701		<a href="#">TEPPL Topic F-11</a>
Interstates (hitchhiking)	It is unlawful for persons to hitchhike or solicit rides, or for drivers to stop for the purpose of picking up one who is hitchhiking or soliciting a ride; exceptions				<a href="#">2E.0410</a>	1978-0701		
Interstates (mopeds)	It is unlawful for persons to ride animals, or to operate bicycles, horse drawn wagons, or nonmotorized vehicles or mopeds on interstates or controlled access highways; exceptions				<a href="#">2E.0409</a>	1981-0615		
Interstates (parking)	Prohibition to stop, park, or leave standing on the right-of-way of interstates and controlled access roads; exceptions		-	<a href="#">20-140.3 (5)</a>		1999-0330		

Interstates (speed limits)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Interstates (speed limits)	NCDOT authority to lower or raise speed limits on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Interstates (vehicle weights)	Vehicle weight limitations on interstates		<a href="#">23 USC 127</a>	-	-	2015-1218		
Junkyards (acquisition)	Relocation, removal, disposal		-	136-148		1977-0464		
Junkyards (condemnation)	Condemnation, procedure			136-150	-	1977-0464		
Junkyards (fees)	Applications, permits, process, requirements, renewals				<a href="#">2E.0303</a>	1993-1201		<a href="#">TEPPL Topic I-01</a>
Junkyards (financial)	Funding, requirements, exceptions			136-155	-	1977-0464		
Junkyards (general)	Article, title			136-141	-	1967-1198		
Junkyards (general)	Definitions			136-143	-	1977-0464		
Junkyards (general)	Definitions, unzoned industrial area, industrial activity				<a href="#">2E.0301</a>	1993-1201		
Junkyards (general)	Enforcement, right-of-way, abatement			<a href="#">136-145</a>	-	1994-0024		
Junkyards (general)	Grievances, judicial review, process			136-149.1	-	1977-0464		
Junkyards (general)	Industrial zone changes, notification to NCDOT, requirements			136-153	-	1977-0464		
Junkyards (general)	Locations, restrictions			136-144	-	1993-0493		
Junkyards (general)	NCDOT authority for acquisition of real property to control the establishment and maintenance of junkyards			136-154	-	1977-0464		
Junkyards (general)	NCDOT authorization to acquire for relocation, removal, or disposal			136-148	-	1977-0464		
Junkyards (general)	NCDOT authorized to enter into agreements with other governmental authorities			136-152	-	1977-0464		
Junkyards (general)	Policy statement			136-142	-	1993-0493		
Junkyards (general)	Requirements, removal of junk			<a href="#">136-146</a>	-	1977-0464		
Junkyards (general)	Requirements, screening			<a href="#">136-147</a>	-	1993-0493		
Junkyards (general)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards				4A.0108	1993-1201		<a href="#">TEPPL Topic I-01</a>
Junkyards (locations)	Enforcement		-	<a href="#">136-145</a>		1994-0024		
Junkyards (locations)	Restrictions, exceptions		-	<a href="#">136-144</a>		1993-0493		

Junkyards (ordinances)	Ordinances authorized for the regulation of junkyards, delegation to Secretary			136-151	-	1977-0464		
Junkyards (permits)	Permits, fees, right-of-way		-	<a href="#">136-149</a>		1993-0493		
Junkyards (permits)	Permits, requirements			<a href="#">136-149</a>	-	1993-0493		
Junkyards (permits)	<b>REPEALED:</b> Permits				2E.0302	1993-1201	Repealed effective 12/1/1993	
Junkyards (rules)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards				4A.0108	1993-1201		<a href="#">TEPPL Topic I-01</a>
Junkyards (screening)	Right-of-way		-	<a href="#">136-147</a>		1993-0493		
Junkyards (violations)	Illegal, violations, removal of junk		-	<a href="#">136-146</a>		1977-0464		
Landscaping (general)	Definition		-	105-164.3 (117)		2020-0006		
Landscaping (municipalities)	<b>REPEALED:</b> Highway and street planting in municipalities				2D.0407	1991-1101	Repealed effective 11/1/1991	
Landscaping (plants)	Acceptable trees, shrubs, vines, grasses, and legumes		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Landscaping (plants)	Maintaining stability and aesthetics		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Landscaping (plants)	Native plants (classification, strong preference for using)		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Lane Use (autocycles)	Shall not be operated more than one abreast in a single lane			<a href="#">20-146.1 (b)</a>		2015-0163		
Lane Use (blockages)	NCDOT and municipalities shall ensure traffic lanes are kept open				2D.0404 (b) (11)	1993-1101		
Lane Use (controlled access)	Unlawful to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line		-	<a href="#">136-89.58 (3)</a>		1999-0330		<a href="#">TEPPL Topic T-39</a>
Lane Use (controlled access)	Unlawful to drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose		-	<a href="#">136-89.58 (4)</a>		1999-0330		
Lane Use (directional flow peak traffic)	NCDOT and municipal authority to designate directional flow peak traffic lanes		-	<a href="#">20-146.2 (c)</a>		2012-0194		

Lane Use (general)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Lane Use (high occupancy vehicles)	NCDOT and municipal authority to designate high occupancy vehicle (HOV) lanes, signs, markers, pavement markings, restrictions, exceptions		-	<a href="#">20-146.2 (a)</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Lane Use (HOV)	NCDOT and municipal authority to designate high occupancy vehicle (HOV) lanes, signs, markers, pavement markings, restrictions, exceptions		-	<a href="#">20-146.2 (a)</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Lane Use (managed lanes)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
Lane Use (motorcycles)	Entitled to full use of a lane; allowed to operate two abreast in a single lane; excludes autocycles			<a href="#">20-146.1</a>		2015-0163		
Lane Use (rush hour traffic)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Lane Use (temporary peak traffic)	NCDOT authority to modify, upgrade, and designate shoulders of controlled access facilities as temporary travel lanes during peak traffic periods, markings, restrictions, emergency parking areas		-	<a href="#">20-146.2 (b)</a>		2012-0194		

Lane Use (tolls)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
Lane Use (transitways)	NCDOT and municipal authority to designate transitways, signs, markers, restrictions		-	<a href="#">20-146.2 (a1)</a>		2012-0194		
Lanes (rumble strips)	Standard drawings, in-lane, thermoplastic					2013-0000		<a href="#">TEPPL Topic R-45</a>
Law Enforcement Powers (aircraft)	<b>REPEALED:</b> Used in patrolling vehicles			20-196.1		1998-0212	Repealed effective 7/1/1998	<a href="#">TEPPL Topic H-09</a>
Law Enforcement Powers (aircraft)	The State Highway Patrol is permitted the use of aircraft to discover violations relating to operation of motor vehicles and rules of the road; policy			20-196.2		1998-0212		<a href="#">TEPPL Topic H-09</a>
Law Enforcement Powers (permits)	Authority of officers to alter routes shown on permits			<a href="#">20-364</a>		2004-0124		
Law Enforcement Powers (quick clearance)	Law enforcement authority, with the concurrence of NCDOT, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic Q-01</a>
Law Enforcement Powers (quick clearance)	Law enforcement authority, with the concurrence of NCDOT, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic V-03</a>

Legal Action (BOT immunity)	Prohibition of court action against the Board of Transportation to determine the location of any State highways or portion thereof			<a href="#">136-59</a>		1973-0507		
Light Traffic Roads (load limits)	Maximum axle weight, record keeping, status reviews, exceptions				4A.0106	1993-1201		
Light Traffic Roads (weights)	Maximum axle weight, record keeping, status reviews, exceptions				4A.0106	1993-1201		
Lights (blue)	Prohibition against red and blue lights not sealed or installed during initial manufacture of a vehicle, exceptions, penalties		-	<a href="#">20-130.1</a>		2015-0276		
Lights (general)	Prohibitions, exceptions, offenses, enforcement		-	<a href="#">136-32.2</a>		1994-0024es		
Lights (prohibitions)	Prohibition on placing blinding, deceptive, or distracting lights		-	<a href="#">136-32.2 (a)</a>		1994-0024es		<a href="#">TEPPL Topic B-11</a>
Lights (red)	Prohibition against red and blue lights not sealed or installed during initial manufacture of a vehicle, exceptions, penalties		-	<a href="#">20-130.1</a>		2015-0276		
Lights (roads)	NCDOT shall maintain street lighting on freeways, interstate systems, and other controlled access highways if determined to be for public safety				2D.0404 (b) (10) (A)	1993-1101		<a href="#">TEPPL Topic L-09</a>
Lights (safety)	NCDOT or other properly constituted State or local authorities authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		<a href="#">TEPPL Topic L-09</a>
Lights (traffic control)	NCDOT or other properly constituted State or local authorities authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		
Lights (vehicles)	Spot lamps, auxiliary driving lamps, restrictions, electronically modulated headlamps, motorcycles, emergency vehicles, high mounted flashing deceleration lamps, public transit, light bar lighting device		-	20-130		2017-0112		
Littering (contracts)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (I)		2018-0005		<a href="#">TEPPL Topic S-85</a>

Littering (general)	Prohibition; presumption of guilt; exceptions; penalties; definitions; enforcement		-	<a href="#">14-399</a>		2018-0005		
Littering (public-private partnerships)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (l)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Littering (vehicles)	Penalties (drivers license points)		-	<a href="#">14-399 (f1)</a>		2018-0005		
Littering (vehicles)	Penalties (subject to seizure)		-	<a href="#">14-399 (g)</a>		2018-0005		
Load Limits (bridges)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Load Limits (bridges)	Inspection of bridges, temporary lowering of authorized weight limits, closures, duration, analysis				2D.0408	1978-0701		
Load Limits (bridges)	NCDOT authority to determine the safe load-carrying capacity of bridges on the State highway system; penalty for violations		-	<a href="#">136-72</a>		1994-0024es		
Load Limits (bridges)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Load Limits (light traffic roads)	Maximum axle weight, record keeping, status reviews, exceptions				4A.0106	1993-1201		
Loads (baled hay)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (o)</a>		2015-0286		
Loads (explosives)	Persons operating vehicles transporting explosives shall comply with the rules and regulations of the USDOT		-	<a href="#">20-167</a>		1985-0454		
Loads (extensions)	Restrictions on extended loads; self-propelled vehicles; rear overhangs; lights; exceptions		-	<a href="#">20-116 (f)</a>		2015-0286		
Loads (general)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Loads (heights)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; exceptions		-	<a href="#">20-116</a>		2015-0286		
Loads (hogsheads of tobacco)	Vehicle width restrictions; exceptions		-	<a href="#">20-116 (a)</a>		2015-0286		



Loads (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Loads (poultry and livestock)	Exceptions to loss of loads		-	<a href="#">20-116 (g) (4)</a>		2015-0286		
Loads (restrictions)	Loss of load; rock, gravel, sand; coverings; exceptions		-	<a href="#">20-116 (g)</a>		2015-0286		
Loads (safety)	Parts and accessories necessary for safe operation; requirements for safety equipment on commercial motor vehicles; exceptions	<a href="#">49 CFR 393</a>	-	-		Various		
Loads (safety)	Requirements for safety equipment; exceptions		-	<a href="#">20-117</a>		2009-0376		
Loads (secondary roads)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Loads (seed cotton)	Exceptions to loss of loads		-	<a href="#">20-116 (g) (4)</a>		2015-0286		
Loads (sheet and bale tobacco)	Width restrictions		-	<a href="#">20-116 (a)</a>		2015-0286		
Loads (silage or other feed grain)	Exceptions to loss of loads		-	<a href="#">20-116 (g) (4)</a>		2015-0286		
Loads (spent nuclear fuel)	Requirement to notify the NC State Highway Patrol prior to transporting, authority for rules and regulations, violations, penalties		-	<a href="#">20-167.1</a>		1994-0024es		
Loads (unprocessed cotton)	Vehicle length restrictions		-	<a href="#">20-116 (d) (2)</a>		2015-0286		
Loads (unprocessed sage)	Vehicle length restrictions		-	<a href="#">20-116 (d) (2)</a>		2015-0286		
Loads (weights)	Definitions, weight limitations, light traffic roads, exceptions, NCDOT authority, penalties, tolerances		-	<a href="#">20-118</a>	-	2018-0142		
Loads (weights)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Loads (widths)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; exceptions		-	<a href="#">20-116</a>		2015-0286		

LOGO Program	NCDOT authority to set specifications for LOGO signs; NCDOT authority to collect fees; Board of Transportation authority to set fees; Transportation Mobility and Safety Division requirement to administer the program		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
Maintenance (bridges)	Drainage districts; minimum space; funds and costs; court actions and appeals; maintenance, removal, and construction of bridges;			<a href="#">156-88</a>		1977-0464		
Maintenance (bridges)	Funds generated by overweight and oversize permit fees in excess of the cost of administering the program shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads.			<a href="#">20-119.1</a>		2005-0276		
Maintenance (bridges)	NCDOT requirement to replace all long through truss spans on the State highway system; limitations; exclusions			<a href="#">136-76.1</a>		1981-0861		
Maintenance (bridges)	NCDOT responsibility		-	<a href="#">136-97 (b)</a>		1991-0689		
Maintenance (bridges)	NCTA authority to maintain toll roads			136-89.182 (a)		2011-0145		
Maintenance (canals)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Maintenance (closings)	NCDOT authority to close transportation infrastructure for maintenance; violations; exceptions		-	<a href="#">136-26</a>		2019-0084		
Maintenance (congestion management)	NCDOT authority to assume maintenance of improvement projects which facilitate the flow of people and goods from municipalities if municipalities fail to maintain			<a href="#">136-66.5 (c)</a>		2009-0266		
Maintenance (connecting roads)	Municipal authority to require property owners, including railroads, to pay a portion of maintenance costs			<a href="#">136-27</a>		1977-0464		
Maintenance (contracts)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and			136-28.1		2018-0005		

	development, public utility companies, public-private participation							
Maintenance (controlled access)	NCDOT, counties, municipalities, and/or the federal government can enter into agreements regarding controlled access facilities			<a href="#">136-89.54</a>		1977-0464		
Maintenance (curb cuts/ramps)	Requirements; guidelines		-	<a href="#">136-44.14</a>		1973-0718		
Maintenance (debris)	NCDOT authority to haul all debris removed from on, under, or around a bridge to an appropriate disposal site for solid waste		-	<a href="#">136-97 (b)</a>		1991-0689		
Maintenance (detours)	Requirement to select, lay out, maintain and keep in as good repair as possible suitable detours, and to provide explicit directions; expenses to come from the State Highway Fund		-	<a href="#">136-25</a>		1977-0464		
Maintenance (drainage)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Maintenance (emergency landing fields)	NCDOT authority (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Maintenance (equipment)	NCDOT authority to furnish municipalities road maintenance equipment through rental agreements; minimum cost; exception		-	<a href="#">136-34</a>		1977-0464		
Maintenance (failure)	Board of county commissioners authority to file complaints with NCDOT for failure to maintain roads in good condition; can be appealed to the Governor			<a href="#">136-64</a>		1977-0464		
Maintenance (federal aid)	NCDOT authority to contract		-	<a href="#">136-18 (12)</a>		2019-0199		
Maintenance (ferries)	NCDOT authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system		-	<a href="#">136-82 (a)</a>		2018-0136		

Maintenance (financial)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
Maintenance (flight strips)	NCDOT authority (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Maintenance (footways)	NCDOT authority to erect and maintain adequate footways, in connection with the use of the highways, for the safety and convenience of the public		-	<a href="#">136-81</a>		1977-0464		
Maintenance (frontage roads)	NCDOT authority to maintain local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Maintenance (general)	Definitions, responsibilities, sidewalks, snow and ice control, guard rail, lighting, drainage, patching and resurfacing				2D.0404	1993-1101		<a href="#">TEPPL Topic C-25</a>
Maintenance (general)	NCDOT (general authority)		-	<a href="#">136-18 (1)</a>		2019-0199		
Maintenance (general)	<b>REPEALED:</b> Examples of construction and maintenance activities				2D.0405	2019-0601	Repealed effective 6/1/2019	
Maintenance (general)	<b>REPEALED:</b> Signing		-	-	2B.0211	1993-1001	Repealed effective 10/1/1993	
Maintenance (general)	<b>REPEALED:</b> Supplement				2B.0206	1981-0403	Repealed effective 4/3/1981	
Maintenance (highways)	Funds generated by overweight and oversize permit fees in excess of the cost of administering the program shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads.			<a href="#">20-119.1</a>		2005-0276		

Maintenance (interstates)	NCDOT authority enter into reciprocal agreements with other states and the USDOT to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in transportation construction and repair			<a href="#">136-35</a>		2009-0266		
Maintenance (municipalities)	NCDOT authority to contract for maintenance and construction of streets; NCDOT authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000		-	<a href="#">136-41.3 (d)</a>		2017-0057		<a href="#">TEPPL Topic C-25</a>
Maintenance (municipalities)	NCDOT authority to furnish municipalities road maintenance equipment through rental agreements; minimum cost; exception			<a href="#">136-34</a>		1977-0464		
Maintenance (municipalities)	Requirement for highway divisions to develop annual work plan for maintenance; requirement to consider special needs or information provided by municipalities		-	<a href="#">136-66.1 (1)</a>		2005-0382		
Maintenance (obstructions)	Obstructions interfering with traffic or maintenance prohibited, removal, exceptions				<a href="#">2E.0404</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Maintenance (overpasses)	Railroad crossings (costs incurred by NCDOT)		-	<a href="#">136-20</a>		1994-0024es		
Maintenance (pavement)	Juvenile correction centers		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	Mental health hospitals and developmental centers		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	Schools for the blind		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	Schools for the deaf		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	State institutions of higher education		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	State-owned hospitals for the treatment of tuberculosis		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (pavement)	State-owned orthopedic hospitals		-	<a href="#">136-18 (25)</a>		2019-0199		
Maintenance (public roads)	NCDOT authority for the exclusive control and management and responsibility of all public roads		-	<a href="#">136-51</a>		2007-0428		
Maintenance (purpose)	NCDOT requirement to maintain a statewide system of hard-surfaced and other dependable highways at the expense of the entire State		-	<a href="#">136-45</a>		2007-0428		

Maintenance (railroads)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		
Maintenance (resurfacing)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		
Maintenance (right-of-way)	NCDOT authority to acquire right-of-way (mineral deposits, timber, utilities, projects, federal parkways)			<a href="#">136-19</a>		2009-0266		
Maintenance (right-of-way)	NCDOT authority to acquire right-of-way (mineral deposits, timber, utilities, projects, federal parkways)			<a href="#">136-19</a>		2009-0266		
Maintenance (roads)	NCTA authority to maintain toll roads			136-89.182 (a)		2011-0145		
Maintenance (roads)	State highway system		-	<a href="#">136-18 (7)</a>		2019-0199		
Maintenance (roads)	Towns of less than 3,000 population by the last census		-	<a href="#">136-18 (7)</a>		2019-0199		
Maintenance (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Maintenance (secondary roads)	NCDOT requirement to consider citizen petitions concerning additions and improvements, and associated county recommendations; NCDOT requirement to report back to the board of county commissioners		-	<a href="#">136-62</a>		1977-0464		
Maintenance (secondary roads)	Requirements, exceptions				<a href="#">2C.0104</a>	1993-1229		
Maintenance (service roads)	NCDOT authority to maintain local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Maintenance (sidewalks)	NCDOT shall replace sidewalks removed as part of widening projects, NCDOT shall evaluate the need for sidewalks in the planning stage of a project, requirements				2D.0406	1999-0501		
Maintenance (signals)	NCDOT is responsible for the cost of upgrading signals and flashers on the State highway system within municipalities and they shall become NCDOT property, exceptions				<a href="#">2B.0233</a>	1978-0701		
Maintenance (State highway system)	Definitions, responsibilities, sidewalks, snow and ice control, guard rail,				2D.0404	1993-1101		

	lighting, drainage, patching and resurfacing							
Maintenance (State highway system)	NCDOT requirement to assume all responsibility and liability for the upkeep and maintenance of the State highway system		-	<a href="#">136-97 (a)</a>		1991-0689		
Maintenance (state parks)	NCDOT requirement to maintain all roads and parking lots in state parks; NCDOT requirement to partner with NCDNCR and use accepted park planning and design principles		-	<a href="#">136-44.12</a>		2015-0241		
Maintenance (subdivision roads)	Right-of-way, construction plans, approvals, acceptance, maps/plats, time frame		-	<a href="#">136-102.6 (d)</a>		2021-0121		
Maintenance (underpasses)	Railroad crossings (costs incurred by railroads)		-	<a href="#">136-20</a>		1994-0024es		
Maintenance (watercourses)	NCDOT responsibility		-	<a href="#">136-97 (b)</a>		1991-0689		
Maintenance (weigh stations)	NCDOT shall be responsible for the maintenance and upkeep of all permanent weigh stations			<a href="#">20-183.9</a>		2011-0145		
Manufactured Homes (general)	Definition		-	105-164.3 (127)		2020-0006		
Manufactured Homes (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Manufactured Homes (permits)	NCDOT requirement to issue permits for the transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet		-	<a href="#">20-119 (b2)</a>		2017-0097		
Manufactured Homes (permits)	Requirements				<a href="#">2D.0602 (g)</a>	2002-0801		
Manufactured Homes (permits)	Requirements, exceptions				<a href="#">2D.0601</a>	2019-0701		
Maps/Plats (Board of Transportation Powers)	Board of Transportation authority to adopt roadway corridor maps, purpose, responsibilities, requirements, process				2B.0317	2012-1201		
Maps/Plats (general)	Requirements (alternative)			47-30.1		1961-0985		

Maps/Plats (general)	Requirements; exceptions for boundaries and annexations			<a href="#">47-30</a>		2019-0035		
Maps/Plats (subdivision roads)	Register of deeds records		-	<a href="#">136-102.6 (a)</a>		2021-0121		
Maps/Plats (subdivision roads)	Right-of-way, construction plans, approvals, maintenance, acceptance, time frame		-	<a href="#">136-102.6 (d)</a>		2021-0121		
Maps/Plats (subdivisions)	Requirements (alternative)			47-30.1		1961-0985		
Maps/Plats (subdivisions)	Requirements; exceptions for boundaries and annexations			<a href="#">47-30</a>		2019-0035		
Markers (intersections)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Markers (overtaking)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions		-	<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Markers (passing)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions		-	<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Markers (rush hour traffic lanes)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Markers (subdivision names)	Requirements, conditions				2C.0213	1993-1229		
Markers (turns)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Markings (center lines)	Requirement to mark all interstates, primary roads, and paved secondary roads with an AADT >= 100 VPD; exceptions			<a href="#">136-30.1</a>		1991-0530		
Markings (construction)	Requirement to mark center lines and edge lines on eligible roads within thirty (30) days of the completion of construction, resurfacing, or paving projects			<a href="#">136-30.1 (b)</a>		1991-0530		



Markings (controlled access)	NCDOT authority to designate separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices			<a href="#">136-89.51</a>		1977-0464		
Markings (edge lines)	Requirement to mark all interstates, primary roads, and paved secondary roads with an AADT >= 100 VPD; exceptions			<a href="#">136-30.1</a>		1991-0530		
Markings (misleading)	Prohibition of warning or direction signs or markers of the same shape, design, color and size of any official highway sign or marker within 100 feet of any highway right-of-way	-		<a href="#">136-32.1</a>		1994-0024es		<a href="#">TEPPL Topic M-23</a>
Markings (overtaking)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Markings (passing)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Markings (roads)	Aircraft (guidance, protection)			<a href="#">136-18 (14)</a>		2019-0199		
Markings (roads)	NCDOT authority to mark the State highway system			<a href="#">136-30 (a)</a>		1993-0051		
Markings (schools)	Standard signing and marking for school zones is the responsibility of NCDOT within municipalities on State highway system routes.				<a href="#">2B.0232</a>	1978-0701		<a href="#">TEPPL Topic S-05</a>
Materials (general)	NCDOT (general authority)	-		<a href="#">136-18 (1)</a>		2019-0199		
Medians (controlled access)	NCDOT authority to divide and separate into separate roadways			<a href="#">136-89.51</a>		1977-0464		<a href="#">TEPPL Topic A-21</a>
Medians (controlled access)	Unlawful to drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line	-		<a href="#">136-89.58 (1)</a>		1999-0330		
Medians (controlled access)	Unlawful to make a left turn or a semicircular or U-turn in the dividing curb section, separation, or line; exception	-		<a href="#">136-89.58 (2)</a>		1999-0330		
Medians (general)	<b>REPEALED:</b> Conditions when allowed				<a href="#">2B.0236</a>	1993-1001	Repealed effective 10/1/1993	<a href="#">TEPPL Topic A-21</a>
Medians (roads)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways	-		<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>

Medians (subdivision roads)	Requirements, conditions				2C.0212	1993-1229		
Memorials (roadside)	Policy and information				-	2002-0205		<a href="#">TEPPL Topic R-37</a>
Mill Roads (easements)	Special proceedings for establishment, alteration or discontinuance; petitions; appeals			136-68		1995-0513		
Mill Roads (obstructions)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		
Modular Homes (general)	Definition		-	105-164.3 (143)		2020-0006		
Modular Homes (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Modular Homes (permits)	Requirements				<a href="#">2D.0602 (g)</a>	2002-0801		
Modular Homes (permits)	Requirements, exceptions				<a href="#">2D.0601</a>	2019-0701		
Motorcycles (lane use)	Entitled to full use of a lane; allowed to operate two abreast in a single lane; excludes autocycles		-	<a href="#">20-146.1</a>		2015-0163		
Move Over Law (crashes)	Requirement to move vehicle(s) from travel lanes if no injuries, deaths, and can be driven normally and safely			<a href="#">20-166 (c2)</a>		2008-0128		
MPO Powers (comprehensive transportation plans)	Requirement to develop comprehensive transportation plans; requirement to represent municipalities' interests; authority to adopt; authority to agree which streets will be part each system (State or municipal); requirement to provide opportunity for public comments			<a href="#">136-66.2</a>		2001-0168		
Municipal Powers (abandonment)	Authority to keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system			<a href="#">136-55.1</a>		1993-0533		
Municipal Powers (annexations)	Authority to pass concurrent ordinances with NCDOT to change posted speed limits on the State highway system following annexation		-	<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>

Municipal Powers (assemblages)	Authority to regulate by ordinance use of the highways by processions or assemblages; requirement for signs to be erected		-	<a href="#">20-169 (3)</a>		1999-0310		
Municipal Powers (bridges)	Authority to prohibit or regulate fishing from bridges; requirement for county agreement if outside corporate limits; fishing from drawspans of drawbridges prohibited; enforcement; subject to the authority of NCDOT for the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
Municipal Powers (bridges)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		
Municipal Powers (Butner)	Allocations to the unincorporated area known as the Butner Reservation shall be transferred to the Town of Butner		-	<a href="#">136-41.1</a>		2015-0241		
Municipal Powers (comprehensive transportation plans)	Requirement to develop comprehensive transportation plans; authority to adopt; authority to agree which streets will be part each system (State or municipal); requirement to provide opportunity for public comments			<a href="#">136-66.2</a>		2001-0168		
Municipal Powers (congestion management)	Authority to contract with NCDOT for improvement projects on the State highway system which facilitate the flow of traffic			<a href="#">136-66.5 (b)</a>		2009-0266		
Municipal Powers (consolidated city-county)	Consolidated city-counties shall be considered eligible municipalities		-	<a href="#">136-41.1</a>		2015-0241		
Municipal Powers (construction)	Funds, proper use of, restrictions, statements, timeframes, ineligibility, accumulation, interest, deductions, contracts, offsets		-	<a href="#">136-41.3</a>		2017-0057		
Municipal Powers (continuous traffic)	Authority to regulate traffic by ordinance using signaling devices where traffic is heavy or continuous; requirement for signs to be erected			<a href="#">20-169 (1)</a>		1999-0310		
Municipal Powers (contracts)	Authority for maintenance and construction of streets; NCDOT authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000		-	<a href="#">136-41.3 (d)</a>		2017-0057		<a href="#">TEPPL Topic C-25</a>

Municipal Powers (contracts)	Authority to contract with NCDOT for the maintenance and construction of streets and traffic control devices on the State highway system; requirement for work to conform to NCDOT standards; requirement to develop and submit an annual work plan to division engineers		-	<a href="#">136-66.1 (3)</a>		2005-0382		
Municipal Powers (contracts)	Authority to enter into agreements with the NCDOT and/or any county regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		
Municipal Powers (controlled access)	Authority to enter into agreements with the NCDOT and/or any county regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		
Municipal Powers (designations)	Authority to designate main-traveled or through highways and streets on the municipal highway system by erecting signs at entrances notifying drivers of vehicles to yield the right-of-way; exceptions; violations			<a href="#">20-158.1</a>		1977-0464		
Municipal Powers (financial)	Authority to financially participate in transportation projects, requirements				2B.0315	1993-1201		
Municipal Powers (financial)	Funds, proper use of, restrictions, statements, timeframes, ineligibility, accumulation, interest, deductions, contracts, offsets		-	<a href="#">136-41.3</a>		2017-0057		
Municipal Powers (fishing)	Authority to prohibit or regulate fishing from bridges; requirement for county agreement if outside corporate limits; fishing from drawspans of drawbridges prohibited; enforcement; subject to the authority of NCDOT for the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
Municipal Powers (general)	Authority to regulate by ordinance heavy or continuous traffic, one-way traffic, processions or assemblages, speed of vehicles in public parks, and the preemption of traffic signals; requirement for signs to be erected; exceptions			<a href="#">20-169</a>		1999-0310		
Municipal Powers (golf carts)	Authority to regulate, register, charge fees; age restriction			160A-300.6		2009-0459		<a href="#">TEPPL Topic G-05</a>

Municipal Powers (heavy traffic)	Authority to regulate traffic by ordinance using signaling devices where traffic is heavy or continuous; requirement for signs to be erected			<a href="#">20-169 (1)</a>		1999-0310		
Municipal Powers (improvements)	Municipalities are authorized to participate in the right-of-way and construction on the State highway system, process, types, funds, pedestrians, development, reimbursements, changes, proceedings			136-66.3		2015-0241		
Municipal Powers (intersections)	Authority to modify turning methods through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Municipal Powers (lane use)	Authority to designate HOV lanes, transitway lanes, and directional flow peak traffic lanes; signs; markers; pavement markings; restrictions; exceptions		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Municipal Powers (lighting)	Authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		
Municipal Powers (maintenance costs)	Authority to require property owners, including railroads, to pay a portion of maintenance costs			<a href="#">136-27</a>		1977-0464		
Municipal Powers (maintenance)	Funds, proper use of, restrictions, statements, timeframes, ineligibility, accumulation, interest, deductions, contracts, offsets		-	<a href="#">136-41.3</a>		2017-0057		
Municipal Powers (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
Municipal Powers (municipal street system)	Definition and responsibilities		-	<a href="#">136-66.1 (2)</a>		2005-0382		
Municipal Powers (municipal system)	Authority to have and exercise such authority as is necessary to carry out their responsibilities over municipal system roads			136-66.4		1977-0464		
Municipal Powers (one-way traffic)	Authority to prohibit by ordinance other than one-way traffic; requirement for signs to be erected		-	<a href="#">20-169 (2)</a>		1999-0310		

Municipal Powers (pedestrians)	Authority to enact ordinances restricting or prohibiting persons from soliciting employment, business, or contributions from vehicles; exceptions		-	<a href="#">20-175 (d)</a>		2008-0223		
Municipal Powers (pedestrians)	Authority to erect or install "WALK" or "DON'T WALK" signals or devices; definitions		-	<a href="#">20-172</a>		1987-0125		
Municipal Powers (pedestrians)	Authority to grant authorization for persons in, on, or near a road to solicit charitable contributions; requirements		-	<a href="#">20-175 (e)</a>		2008-0223		
Municipal Powers (pedestrians)	Authority to install special pedestrian control signals on local highways exhibiting the words or symbols "WALK" or "DON'T WALK"; requirements		-	<a href="#">20-172 (a)</a>		1987-0125		
Municipal Powers (photographic systems)	Authority to establish standards; requirement to be consistent with NCDOT standards; authority to enforce by ordinance		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
Municipal Powers (preemption)	Authority to allow by ordinance law enforcement, fire, ambulance, rescue squad, and emergency service vehicles equipped with a siren to preempt traffic signals; requires NCDOT approval on State highways within local boundaries			<a href="#">20-169 (5)</a>		1999-0310		
Municipal Powers (processions)	Authority to regulate by ordinance use of the highways by processions or assemblages; requirement for signs to be erected		-	<a href="#">20-169 (3)</a>		1999-0310		
Municipal Powers (public parks)	Authority to regulate by ordinance the speed of vehicles in public parks; requirement for signs to be erected			<a href="#">20-169 (4)</a>		1999-0310		
Municipal Powers (railroad crossings)	Authority to determine that trains are not operating during certain periods or seasons of the year; authority to post "Exempt" signs at railroad crossings			<a href="#">20-142.4 (e)</a>		2019-0036		
Municipal Powers (road closures)	Authority to streets and alleys; process; right-of-way ownership; extraterritorial jurisdiction; exceptions for State highway System; easements			<a href="#">160A-299</a>		2015-0103		

Municipal Powers (schools)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the municipal street system; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		
Municipal Powers (secondary roads)	Authority to keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system			<a href="#">136-63</a>		1993-0533		
Municipal Powers (signals)	Authority to install special pedestrian control signals on local highways exhibiting the words or symbols "WALK" or "DON'T WALK"; requirements		-	<a href="#">20-172 (a)</a>		1987-0125		
Municipal Powers (signals)	Authority to regulate traffic by ordinance using signaling devices where traffic is heavy or continuous; requirement for signs to be erected		-	<a href="#">20-169 (1)</a>		1999-0310		
Municipal Powers (signs)	Authority to designate main-traveled or through highways and streets on the municipal highway system by erecting signs at entrances notifying drivers of vehicles to yield the right-of-way; exceptions; violations			<a href="#">20-158.1</a>		1977-0464		
Municipal Powers (signs)	Authority to prohibit or regulate political signs on the Municipal street system		-	<a href="#">136-32 (f)</a>		2019-0119		
Municipal Powers (solicitation)	Authority to enact ordinances restricting or prohibiting persons from soliciting employment, business, or contributions from vehicles; exceptions		-	<a href="#">20-175 (d)</a>		2008-0223		
Municipal Powers (solicitation)	Authority to grant authorization for persons in, on, or near a road to solicit charitable contributions; requirements; exceptions		-	<a href="#">20-175 (e)</a>		2008-0223		
Municipal Powers (speed limits)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the municipal street system; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		
Municipal Powers (speed limits)	Authority to lower speed limits on school property; requests and consent; signs; penalties			<a href="#">20-141 (e1)</a>		2013-0360		

Municipal Powers (speed limits)	Authority to pass concurrent ordinances with NCDOT to change posted speed limits on the State highway system following annexation		-	<a href="#">20-141 (f)</a>		2013-0360		
Municipal Powers (speed limits)	Authority to raise or lower speed limits on the municipal street system by ordinance; maximum; signs			<a href="#">20-141 (e)</a>		2013-0360		
Municipal Powers (speed limits)	Authority to raise or lower speed limits on the State highway system with concurring ordinances from NCDOT; engineering and traffic investigations; exceptions; maximum; signs			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Municipal Powers (speed limits)	Authority to regulate by ordinance the speed of vehicles in public parks; requirement for signs to be erected			<a href="#">20-169 (4)</a>		1999-0310		
Municipal Powers (speed limits)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		
Municipal Powers (speed limits)	Authority to set minimum speed limits on the municipal street system on the basis of an engineering and traffic investigation; signs; exceptions		-	<a href="#">20-141 (g)</a>		2013-0360		
Municipal Powers (speed limits)	Authority to set minimum speed limits on the State highway system inside of municipal corporate limits on the basis of an engineering and traffic investigation by concurring ordinances between municipalities and NCDOT; signs; exceptions		-	<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Municipal Powers (speed limits)	No authority to alter speed limits, or enact or enforce any rules or regulations, contrary to those enacted under Article 3 of Chapter 20; exceptions			<a href="#">20-169</a>		1999-0310		
Municipal Powers (STAA reasonable access)	Authority to impose reasonable restrictions on municipal streets		-	<a href="#">20-115.1 (f)</a>		2008-0221		
Municipal Powers (state aid)	Requirement of mayors to provide population and mileage information to receive state aid appropriations; requirements; expenditures		-	<a href="#">136-41.1</a>		2015-0241		



Municipal Powers (State highway system)	Authority to use own funds for improvements; authority to contract with NCDOT for these improvements; authority to have costs assessed against abutting properties		-	<a href="#">136-66.1 (4)</a>		2005-0382		
Municipal Powers (structures)	Authority to request maximum safe speed limit investigations for bridges, causeways, and viaducts; signs		-	<a href="#">20-144</a>		1977-0464		
Municipal Powers (traffic control devices)	Requirement for all signs and traffic control devices conform to the Uniform Manual		-	<a href="#">136-30 (b)</a>		1993-0051		
Municipal Powers (traffic control)	Authority to control vehicles on the municipal highway system with signs, signals, and other devices			<a href="#">20-158 (a)</a>		2017-0102		
Municipal Powers (traffic control)	Authority to establish standards for photographic systems; requirement to be consistent with NCDOT standards for photographic systems; authority to enforce by ordinance		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
Municipal Powers (traffic)	No authority to alter speed limits, or enact or enforce any rules or regulations, contrary to those enacted under Article 3 of Chapter 20; exceptions			<a href="#">20-169</a>		1999-0310		
Municipal Powers (truck routes)	Authority to approve NCDOT established truck routes on the municipal street system; authority to establish by ordinance truck routes within municipalities on any system (with NCDOT approval for State highway system routes)				<a href="#">2B.0213</a>	1993-1001		<a href="#">TEPPL Topic H-11</a>
Municipal Powers (turns)	Authority to modify turning methods through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Municipal Powers (utilities)	Authority for Metropolitan Sewerage Districts to obtain right-of-way and easements in, along, or across public roads; requirement for any work to be done in accordance with reasonable requirements		-	<a href="#">162A-74</a>		1977-0464		
Municipal Powers (utilities)	Authority for reasonable requirements for sewer work done in, along, or across municipal streets		-	<a href="#">162A-74</a>		1977-0464		

Municipal Powers (vegetation)	Authority to review applications for the planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush)		-	<a href="#">136-93 (d)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Municipal Powers (vehicles)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on their highway system due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		
Municipal Powers (weights)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on their highway system due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		
Municipal Street System (comprehensive transportation plans)	Authority for NCDOT and MPOs/municipalities to adopt comprehensive transportation plans; authority to agree which streets will be part each system (State or municipal)			<a href="#">136-66.2</a>		2001-0168		
Municipal Street System (Powell Bill)	Municipal requirements to establish eligibility for allocations				2B.0306	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
Municipal Street System (Powell Bill)	NCDOT requirement to pay state street aid allocations to eligible and qualifying municipalities				2B.0305	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
Municipal Street System (speed limits)	Municipal authority to raise or lower speed limits on the municipal street system by ordinance; maximum; signs			<a href="#">20-141 (e)</a>		2013-0360		
Municipal Street System (speed limits)	Municipal authority to set minimum speed limits on the municipal street system on the basis of an engineering and traffic investigation; signs; exceptions		-	<a href="#">20-141 (g)</a>		2013-0360		
Names (roads)	NCDOT authority to name State highways		-	<a href="#">136-18 (8)</a>		2019-0199	<a href="#">Local Governments - Policies and Procedures</a>	<a href="#">TEPPL Topic N-01</a>
National Network (STAA)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-	-	Various		<a href="#">TEPPL Topic T-52</a>
NCDMV Powers (explosives)	Authority to adopt the rules and regulations of the USDOT in the transport of explosives		-	<a href="#">20-167</a>		1985-0454		

NCDNCR Powers (archaeological objects)	Requirement to request advice from other agencies or institutions; authority to contract; requirement to assume possession and responsibility for all historical objects; authority to enter into agreements with governments, institutions, and charitable organizations for the preservation of all archaeological objects		-	<a href="#">136-42.1</a>		2015-0241		
NCDNCR Powers (historical markers)	Authority for the correction and relocation of historical markers; procedures		-	<a href="#">136-43.1</a>		2015-0241		<a href="#">TEPPL Topic H-38</a>
NCDNCR Powers (historical markers)	Authority to purchase historical markers, authority to select sites to erect historical markers			<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>
NCDNCR Powers (state parks)	Authority to partner with NCDOT to maintain all roads and parking lots in state parks using accepted park planning and design principles; authority to close state parks		-	<a href="#">136-44.12</a>		2015-0241		
NCDOA Powers (general)	Authority over capital improvements, real property, planning, development, general services, for the construction and maintenance of state agency facilities; block grants			143-341		2020-0090		
NCDOA Powers (general)	Authority to adopt, with approval of the Governor, and to enforce rules and to coordinate policies regarding assignments, use, and reimbursement of state-owned passenger motor vehicles			143-341 (8) (i) (7a)		2020-0090		
NCDOL Powers (assistance)	Technical assistance			95-255.1		1997-0443		
NCDOL Powers (penalties)	Penalties			95-256		2006-0226		
NCDOL Powers (reporting)	Reporting (experience rate modifier)			95-255		1991-0962		<a href="#">TEPPL Topic E-14</a>
NCDOT Powers (abandonment)	Authority to abandon roads, procedures, regulations, notices			<a href="#">136-55.1</a>		1993-0533		
NCDOT Powers (adjoining states)	Approval of contracts (reimbursable work in NC by adjoining states)		-	<a href="#">136-18 (23)</a>		2019-0199		

NCDOT Powers (adjoining states)	Work performed in adjoining states (planning, surveying, locating, engineering, right-of-way acquisition, construction)		-	<a href="#">136-18 (23)</a>		2019-0199		
NCDOT Powers (Adopt-A-Highway program)	Authority to approve agreement renewals				2D.1007 (b)	1993-1101		<a href="#">Adopt-A-Highway Program</a>
NCDOT Powers (Adopt-A-Highway program)	Authority to approve signs				2D.1006 (e)	1993-1101		<a href="#">Adopt-A-Highway Program</a>
NCDOT Powers (Adopt-A-Highway program)	Authority to modify or alter agreements				2D.1007 (a)	1993-1101		<a href="#">Adopt-A-Highway Program</a>
NCDOT Powers (advertising)	Authority to issue a permit for planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush)		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
NCDOT Powers (airports and landing areas)	Airports and aircraft landing areas (permits for construction and alterations; rules, regulations, and ordinances to preserve safe clearances between highways and airways)			<a href="#">136-18 (22)</a>		2019-0199		
NCDOT Powers (animals)	Dead animals (removal and disposal)			<a href="#">136-18 (21)</a>		2019-0199		
NCDOT Powers (animals)	Dead dogs (notification of owners)			<a href="#">136-18 (21)</a>		2019-0199		
NCDOT Powers (animals)	Requirement to erect signs giving adequate warning of the presence and crossing of cattle		-	<a href="#">136-33.1</a>		1977-0464		
NCDOT Powers (annexations)	Authority to pass concurrent ordinances with municipalities to change posted speed limits on the State highway system following annexation			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (archaeological objects)	Authority to expend funds for the recording and preservation of archaeological objects; requirement to consult with NCDNCR; authority to contract with NCDNCR		-	<a href="#">136-42.1</a>		2015-0241		
NCDOT Powers (bonds)	Authority to require a bond before issuing a permit		-	<a href="#">136-93 (a)</a>		2014-0115		
NCDOT Powers (bridges)	Authority to agree to municipal ordinances regulating or prohibiting fishing from bridges on the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
NCDOT Powers (bridges)	Authority to exempt firefighting equipment from posted bridge limits			20-118.4 (b)		2012-0078		

NCDOT Powers (bridges)	Authority to petition courts to not repair, remove, or replace a bridge for drainage; authority for specifications			<a href="#">156-88</a>		1977-0464		
NCDOT Powers (bridges)	NCDOT authority to haul all debris removed from on, under, or around a bridge to an appropriate disposal site for solid waste		-	<a href="#">136-97 (b)</a>		1991-0689		
NCDOT Powers (bridges)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
NCDOT Powers (bridges)	<b>REPEALED:</b> Authority to charge tolls for bridges; requirements; specifications; reporting		-	<a href="#">136-82.2</a>		2010-0133	Repealed effective 12/1/2010	
NCDOT Powers (bridges)	Requirement to replace all long through truss spans on the State highway system; limitations; exclusions			<a href="#">136-76.1</a>		1981-0861		
NCDOT Powers (buses)	Authority to restrict passenger buses		-	<a href="#">20-116 (l)</a>		2015-0286		
NCDOT Powers (canals)	Authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
NCDOT Powers (closures)	Authority for intermittent closings when the roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		
NCDOT Powers (closures)	Authority to close transportation infrastructure for construction, maintenance, or posing a danger to public safety (barriers, obstructions, notices, warning signs, lights, lanterns); violations; exceptions		-	<a href="#">136-26</a>		2019-0084		
NCDOT Powers (commercial enterprises)	Authority to issue rules and regulations regarding materials displayed at welcome centers; requirement to regulate vending machines and items dispensed		-	<a href="#">136-89.56</a>		2015-0239		

NCDOT Powers (comprehensive transportation plans)	Requirement to cooperate with MPOs, non-MPO municipalities, and counties in development of comprehensive transportation plans; authority to provide financial assistance; authority to adopt; authority to agree which streets will be part each system (State or municipal)		-	<a href="#">136-66.2</a>		2001-0168		
NCDOT Powers (congestion management)	Authority to contract with municipalities for improvement projects which facilitate the flow of people and goods; authority to construct or let projects on the municipal street system; authority to fund; funding restrictions			<a href="#">136-66.5 (a)</a>		2009-0266		
NCDOT Powers (connecting links)	Authority to build connecting links with a municipal street system; authority to require municipalities to install utilities and connections within connecting roads		-	<a href="#">136-27</a>		1977-0464		
NCDOT Powers (connecting links)	Connecting piers (waters)			<a href="#">136-18 (15)</a>		2019-0199		
NCDOT Powers (connecting links)	Connecting roads (airports)			<a href="#">136-18 (14)</a>		2019-0199		
NCDOT Powers (connecting links)	Connecting roads (waters)			<a href="#">136-18 (15)</a>		2019-0199		
NCDOT Powers (connecting links)	Connecting roads to cemeteries (public and church)		-	<a href="#">136-18 (20)</a>		2019-0199		
NCDOT Powers (connecting links)	Connecting the State highway system with public roads in adjoining states		-	<a href="#">136-18 (23)</a>		2019-0199		
NCDOT Powers (connecting roads)	Public schools (connecting roads - shall maintain and repair)		-	<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (construction)	Construction, maintenance, design, contracts, materials		-	<a href="#">136-18 (1)</a>		2019-0199		
NCDOT Powers (construction)	Construction, operation, and maintenance of turnouts for the safety and convenience of highway users		-	<a href="#">136-18 (9)</a>	-	2019-0199		
NCDOT Powers (construction)	Maintenance and construction (State highway system)		-	<a href="#">136-18 (7)</a>		2019-0199		
NCDOT Powers (construction)	Requirement to mark center lines and edge lines on eligible roads within thirty (30) days of the completion of construction, resurfacing, or paving projects			<a href="#">136-30.1 (b)</a>		1991-0530		

NCDOT Powers (construction)	Schools for the blind (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (construction)	Schools for the deaf (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (construction)	State institutions of higher education (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (construction)	State-owned hospitals for the treatment of tuberculosis (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (construction)	State-owned orthopedic hospitals (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (contracts)	Authority to contract with municipalities for improvement projects which facilitate the flow of people and goods; authority to construct or let projects on the municipal street system; authority to fund; funding restrictions			<a href="#">136-66.5 (a)</a>		2009-0266		
NCDOT Powers (contracts)	Authority to contract with municipalities for maintenance and construction of streets; authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000		-	<a href="#">136-41.3 (d)</a>		2017-0057		
NCDOT Powers (contracts)	Authority to contract with municipalities for the maintenance and construction of streets and traffic control devices on the State highway system		-	<a href="#">136-66.1 (3)</a>		2005-0382		
NCDOT Powers (contracts)	Authority to enter into agreements with any county and/or municipality and/or the federal government regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		
NCDOT Powers (contracts)	Railroads required to pay for changes in road elevation if crossing grade changes due to track work; requirements				<a href="#">2B.0158</a>	1993-1001		

NCDOT Powers (contracts)	Thresholds, construction, maintenance, repairs, process, ferryboats, rest areas, weight stations, welcome centers, exceptions, emergencies, research and development, public utility companies, public-private participation			136-28.1		2018-0005		
NCDOT Powers (controlled access)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
NCDOT Powers (controlled access)	Authority to allow farm equipment on fully controlled access highways and interstates; process; requirements; publishing of routes and conditions		-	<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
NCDOT Powers (controlled access)	Authority to design so as to regulate, restrict, or prohibit access as best to serve the traffic for which such facility is intended; authority to divide and separate into separate roadways; authority to designate separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices			<a href="#">136-89.51</a>		1977-0464		<a href="#">TEPPL Topic T-39</a>
NCDOT Powers (controlled access)	Authority to designate and establish controlled-access highways; requirement for compensation; authority to eliminate at-grade road intersections			<a href="#">136-89.53</a>		1977-0464		
NCDOT Powers (controlled access)	Authority to designate, establish, abandon, improve, construct, maintain and regulate controlled-access facilities as a part of the State highway system, National System of Interstate Highways, and Federal Aid Primary System			<a href="#">136-89.50</a>		1977-0464		
NCDOT Powers (controlled access)	Authority to enter into agreements with any county and/or municipality and/or the federal government regarding controlled access facilities; public hearings required			<a href="#">136-89.54</a>		1977-0464		



NCDOT Powers (correction centers)	Juvenile correction centers (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (counties)	Requirement to cooperate with counties in development of comprehensive transportation plans		-	<a href="#">136-66.2 (b3)</a>		2001-0168		
NCDOT Powers (county/township roads)	Authority to assume control of existing county or township roads		-	<a href="#">136-18 (2) (a)</a>		2019-0199		
NCDOT Powers (curb cuts/ramps)	Authority and requirement to develop guidelines; requirement to provide free copies of guidelines and standards to municipal and county governments and public utilities		-	<a href="#">136-44.14</a>		1973-0718		
NCDOT Powers (debris)	NCDOT authority to haul all debris removed from on, under, or around a bridge to an appropriate disposal site for solid waste		-	<a href="#">136-97 (b)</a>		1991-0689		
NCDOT Powers (designations)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers			<a href="#">20-142.2</a>		2005-0349		
NCDOT Powers (designations)	Authority to designate main-traveled or through highways and streets on the State highway system by erecting signs at entrances notifying drivers of vehicles to yield the right-of-way; exceptions; violations			<a href="#">20-158.1</a>		1977-0464		
NCDOT Powers (designations)	Authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (designations)	Authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
NCDOT Powers (design-build contracts)	Authority for design-build contracts for construction projects; requirements			136-28.11		2013-0360		
NCDOT Powers (drainage)	Authority to petition courts to not repair, remove, or replace a bridge for drainage; authority for specifications			<a href="#">156-88</a>		1977-0464		
NCDOT Powers (driveways)	Authority to approve intersecting the State highway system with private driveways and roadways, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		
NCDOT Powers (driveways)	Public schools (driveways - may construct, pave, and maintain)		-	<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (driveways)	Rescue squad facilities (authority to pave driveways)			136-18 (24)		2019-0199		

NCDOT Powers (easements)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
NCDOT Powers (enforcement)	Enforcement of legal rights (public bodies, corporations, or persons)		-	<a href="#">136-18 (4)</a>		2019-0199		
NCDOT Powers (erosion control)	Selecting, planting, and protecting acceptable trees, shrubs, vines, grasses, or legumes in the highway right-of-way in the promotion of erosion control, landscaping, and general protection of the highways		-	<a href="#">136-18 (9)</a>	-	2019-0199		
NCDOT Powers (erosion control)	Use of plants determined to maintain a stable and aesthetic roadside (strong preference for using native plants)		-	<a href="#">136-18 (9)</a>	-	2019-0199		
NCDOT Powers (farm equipment)	Authority to allow farm equipment on fully controlled access highways and interstates; process; requirements; publishing of routes and conditions		-	<a href="#">20-116 (j) (8)</a>		2015-0286		<a href="#">TEPPL Topic F-28</a>
NCDOT Powers (federal aid)	Federal aid contracts (surveys, construction, improvements, maintenance)		-	<a href="#">136-18 (12)</a>		2019-0199		
NCDOT Powers (fences)	Rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		
NCDOT Powers (ferries)	Authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system; tolls; vessels, boats, and terminals; operation; contracts; proceeds; authority to generate certain receipts		-	<a href="#">136-82</a>		2018-0136		
NCDOT Powers (financial)	Authority to adopt policies allowing small municipalities to accumulate funds		-	<a href="#">136-41.3 (c)</a>		2017-0057		
NCDOT Powers (firehouses)	Firehouses of rural fire districts (authority to pave driveways)			136-18 (24)		2019-0199		
NCDOT Powers (fishing)	Authority to agree to municipal ordinances regulating or prohibiting fishing from bridges on the State highway system			<a href="#">160A-302.1</a>		1973-0507		<a href="#">TEPPL Topic F-11</a>
NCDOT Powers (fishing)	Requirement to erect fishing regulation signs		-	<a href="#">136-102.5</a>		1977-0464		<a href="#">TEPPL Topic F-11</a>

NCDOT Powers (flight strips)	Flight strips (right-of-way acquisition, construction, maintenance)		-	<a href="#">136-18 (18)</a>		2019-0199		
NCDOT Powers (footways)	Authority to erect and maintain adequate footways, in connection with the use of the highways, for the safety and convenience of the public		-	<a href="#">136-81</a>		1977-0464		
NCDOT Powers (frontage roads)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
NCDOT Powers (frontage roads)	Authority to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
NCDOT Powers (garbage collection)	Garbage collection containers (NCDOT authority to issue and revoke permits, promulgate rules and regulations for the location thereof, and removal of unauthorized or illegal containers)		-	<a href="#">136-18.3</a>		2012-0085		
NCDOT Powers (GARVEE bonds)	GARVEE bonds (authority to issue)		-	<a href="#">136-18 (12b)</a>		2019-0199		
NCDOT Powers (general)	Authority (general, specific)			<a href="#">136-18</a>		2019-0199		
NCDOT Powers (grade crossings)	Grade crossings with railroads (authority to regulate, abandon, close)			<a href="#">136-18 (11)</a>		2019-0199		
NCDOT Powers (historical markers)	Authority to cooperate with NCDNCR in marking historic spots			<a href="#">136-42.2</a>		2015-0241		<a href="#">TEPPL Topic H-38</a>
NCDOT Powers (hospitals)	Mental health hospitals and developmental centers (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (hospitals, state-owned)	State-owned hospitals for the treatment of tuberculosis (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (hospitals, state-owned)	State-owned orthopedic hospitals (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (housemoving)	Authority to hear appeals and issue permits, considerations, surety bonds			20-361		1991-0813		
NCDOT Powers (institutions of higher education)	State institutions of higher education (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		

NCDOT Powers (intersections)	Authority to modify turning methods through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
NCDOT Powers (junkyards)	Acquisition, relocation, removal, disposal		-	136-148		1977-0464		
NCDOT Powers (junkyards)	Illegal, violations, removal of junk		-	<a href="#">136-146</a>		1977-0464		
NCDOT Powers (junkyards)	Permits, fees, right-of-way		-	<a href="#">136-149</a>		1993-0493		
NCDOT Powers (junkyards)	Screening, right-of-way		-	<a href="#">136-147</a>		1993-0493		
NCDOT Powers (landing fields)	Emergency landing fields (right-of-way acquisition, construction, maintenance)		-	<a href="#">136-18 (18)</a>		2019-0199		
NCDOT Powers (lane use)	Authority to designate HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, and directional flow peak traffic lanes; signs; markers; pavement markings; restrictions; exceptions		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
NCDOT Powers (licenses - housemovers)	Authority to issue licenses, requirement if meeting certain qualifications, equipment inspection, fee			20-358		2008-0089		
NCDOT Powers (light traffic roads)	Authority to abrogate exceptions; conditions; postings		-	<a href="#">20-118 (d)</a>		2018-0142		
NCDOT Powers (light traffic roads)	Authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
NCDOT Powers (light traffic roads)	Authority to establish; interstates and primary routes exempt; postings		-	<a href="#">20-118 (b) (4)</a>		2018-0142		
NCDOT Powers (lights)	Authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		<a href="#">TEPPL Topic L-09</a>
NCDOT Powers (load limits)	Authority to determine the safe load-carrying capacity of bridges on the State highway system; penalty for violations		-	<a href="#">136-72</a>		1994-0024es		
NCDOT Powers (LOGO)	Authority to set specifications for LOGO signs; authority to collect fees		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
NCDOT Powers (maintenance equipment)	Authority to furnish municipalities road maintenance equipment through rental agreements; minimum cost; exception		-	<a href="#">136-34</a>		1977-0464		

NCDOT Powers (maintenance)	Maintenance and construction (State highway system)		-	<a href="#">136-18 (7)</a>		2019-0199		
NCDOT Powers (maintenance)	Requirement to assume all responsibility and liability for the upkeep and maintenance of the State highway system		-	<a href="#">136-97 (a)</a>		1991-0689		
NCDOT Powers (maintenance)	Requirement to investigate complaints of poor maintenance, make necessary repairs as needed, determine responsible parties; authority to discharge negligent parties as appropriate			<a href="#">136-64</a>		1977-0464		
NCDOT Powers (maintenance)	Requirement to mark center lines and edge lines on eligible roads within thirty (30) days of the completion of construction, resurfacing, or paving projects			<a href="#">136-30.1 (b)</a>		1991-0530		
NCDOT Powers (maintenance)	Schools for the blind (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (maintenance)	Schools for the deaf (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (maintenance)	State institutions of higher education (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (maintenance)	State-owned hospitals for the treatment of tuberculosis (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (maintenance)	State-owned orthopedic hospitals (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (markings)	Requirement to mark center lines and edge lines on all interstates, primary roads, and paved secondary roads with an AADT >= 100 VPD; exceptions			<a href="#">136-30.1</a>		1991-0530		
NCDOT Powers (markings)	Requirement to mark center lines and edge lines on eligible roads within thirty (30) days of the completion of construction, resurfacing, or paving projects			<a href="#">136-30.1 (b)</a>		1991-0530		

NCDOT Powers (materials)	Road materials (material deposits)		-	<a href="#">136-18 (3)</a>		2019-0199		
NCDOT Powers (motorsports)	Authority to prohibit vehicle combinations used in connection with motorsports competition events from specific routes		-	<a href="#">20-116 (n)</a>		2015-0286		
NCDOT Powers (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
NCDOT Powers (municipalities)	Authority to contract with municipalities for improvement projects which facilitate the flow of people and goods; authority to construct or let projects on the municipal street system; authority to fund; funding restrictions			<a href="#">136-66.5 (a)</a>		2009-0266		
NCDOT Powers (municipalities)	Authority to contract with municipalities for maintenance and construction of streets; authority to perform maintenance and construction of non-system streets for municipalities with a population of less than 5,000		-	<a href="#">136-41.3 (d)</a>		2017-0057		
NCDOT Powers (municipalities)	Requirement for highway divisions to develop annual work plan for maintenance; requirement to consider special needs or information provided by municipalities		-	<a href="#">136-66.1 (1)</a>		2005-0382		
NCDOT Powers (municipalities)	Requirement to cooperate with MPO and non-MPO municipalities in development of comprehensive transportation plans; authority to provide financial assistance; authority to adopt; authority to agree which streets will be part each system (State or municipal)		-	<a href="#">136-66.2</a>		2001-0168		
NCDOT Powers (municipalities)	Responsible for the State highway system inside municipalities		-	<a href="#">136-66.1 (1)</a>		2005-0382		<a href="#">TEPPL Topic C-25</a>
NCDOT Powers (municipalities, inside)	Authority to adopt rules and regulations to carry out its responsibilities over the State highway system within municipalities			136-66.4		1977-0464		

NCDOT Powers (NC routes)	Authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (NC routes)	Authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
NCDOT Powers (neighborhood public roads)	Authority to place neighborhood county roads into a passable condition without further obligation			<a href="#">136-67</a>		1997-0443		
NCDOT Powers (obstructions)	Rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		<a href="#">TEPPL Topic H-08</a>
NCDOT Powers (one-way traffic)	Authority to designate and sign roadways for one-way traffic		-	<a href="#">20-165.1</a>		1977-0464		
NCDOT Powers (ordinances)	Authority to allow platoons by traffic ordinance		-	<a href="#">20-152 (c)</a>		2017-0169		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (ordinances)	Authority to make rules, regulations, and ordinances on the State highways (use of, police traffic on, prevent abuse, enforcement, violations, conflicts)		-	<a href="#">136-18 (5)</a>		2019-0199		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (other states)	Authority enter into reciprocal agreements with other states and the USDOT to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in transportation construction and repair			<a href="#">136-35</a>		2009-0266		
NCDOT Powers (other states)	Authority to cooperate with other states and the federal government to form a system of intercounty, interstate, and national highways and transportation systems			<a href="#">136-35</a>		2009-0266		
NCDOT Powers (outdoor advertising)	Construction, stop work orders			<a href="#">136-133 (b)</a>		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Illegal, removal			<a href="#">136-134</a>		1999-0404		<a href="#">TEPPL Topic B-27</a>
NCDOT Powers (outdoor advertising)	Illegal, removal			<a href="#">136-134</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Permits			<a href="#">136-130</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Permits, fees			<a href="#">136-133 (a)</a>		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Regulation			<a href="#">136-129</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>

NCDOT Powers (outdoor advertising)	Regulation			<a href="#">136-130</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Removal, acquisition, purchase, condemnation, compensation			<a href="#">136-131</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Vegetation removal for outdoor advertising (permits)			136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Vegetation removal for outdoor advertising (permits)			136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Vegetation removal for outdoor advertising (permits, decisions)			136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Vegetation removal for outdoor advertising (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (outdoor advertising)	Vegetation removal for outdoor advertising (permits, traffic control, damages, requirements, penalties)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (overtaking)	Authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
NCDOT Powers (parking)	Authority to regulate parking on the State highway system if the street is maintained with State highway funds	-		<a href="#">136-18 (5)</a>		2019-0199		
NCDOT Powers (parking)	Public schools (parking facilities - may construct, pave, and maintain)	-		<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (passing)	Authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
NCDOT Powers (pedestrians)	Authority to erect or install "WALK" or "DON'T WALK" signals or devices; definitions	-		<a href="#">20-172</a>		1987-0125		
NCDOT Powers (permits - housemovers)	Authority to issue permits, receive surety bonds, and issue additional regulations for housemoving			20-360		2005-0354		
NCDOT Powers (permits)	Authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		<a href="#">49 USC 31113</a>	-	-	1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
NCDOT Powers (permits)	Authority to issue a permit for planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush)	-		<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
NCDOT Powers (permits)	Authority to issue permits for structures, railways, utilities; bonds; violations; penalties	-		<a href="#">136-93 (a)</a>		2014-0115		



NCDOT Powers (permits)	Authority to issue permits for the operation or movement of vehicles of excessive size or weight; restrictions; fees; violations; penalties; exceptions; transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet; safety and safety equipment; escort driver training and certification program; agricultural equipment and machinery; boats and boat trailers; steel coils		-	<a href="#">20-119</a>		2017-0097		
NCDOT Powers (permits)	Authority to issue permits in response to emergency events; safety equipment; escorts		-	<a href="#">20-119 (a1)</a>		2017-0097		
NCDOT Powers (permits)	Authority to issue permits to firefighting equipment waiving weight and size restrictions and implementing rules for a commercial overweight or oversize vehicle; authority to issue permits verbally			20-118.4 (d)		2012-0078		
NCDOT Powers (permits)	<b>RECODIFIED:</b> Authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		49 USC 2316	-	-	1984-1030	Recodified as 49 USC 31113 on 7/5/1994	
NCDOT Powers (permits)	Requirement to develop and implement an express review program for permits, approvals, or certifications for connections to the State highway system (driveways, streets, signals, drainage, and any other encroachment); procedure, staffing; fees		-	<a href="#">136-93.1</a>		2011-0145		
NCDOT Powers (permits)	Requirement to issue permits for the transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet		-	<a href="#">20-119 (b2)</a>		2017-0097		
NCDOT Powers (permits)	Vegetation removal for outdoor advertising (permits)			136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (permits)	Vegetation removal for outdoor advertising (permits)			136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (permits)	Vegetation removal for outdoor advertising (permits, decisions)			136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (permits)	Vegetation removal for outdoor advertising (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>

NCDOT Powers (permits)	Vegetation removal for outdoor advertising (permits, traffic control, damages, requirements, penalties)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (photographic systems)	Authority to establish requirements and standards		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
NCDOT Powers (platoons)	Authority to allow platoons by traffic ordinance		-	<a href="#">20-152 (c)</a>		2017-0169		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (public roads)	Authority for the exclusive control and management and responsibility of all public roads		-	<a href="#">136-51</a>		2007-0428		
NCDOT Powers (public vehicular areas)	Authority to designate, register, and charge fees; required to maintain a registry; required to adopt rules related to designations, registrations, signs, and fees			20-219.4		2001-0441		
NCDOT Powers (pull off areas)	Authorized and required to provide pull off areas on long sections of two-lane primary highways having a steep uphill grade or numerous curves		-	<a href="#">136-18.4</a>		1994-0024es		<a href="#">TEPPL Topic S-27</a>
NCDOT Powers (purpose)	Requirement to take over, establish, construct, and maintain a statewide system of hard-surfaced and other dependable highways at the expense of the entire State		-	<a href="#">136-45</a>		2007-0428		
NCDOT Powers (quick clearance)	NCDOT authority, with the concurrence of law enforcement, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic Q-01</a>

NCDOT Powers (quick clearance)	NCDOT authority, with the concurrence of law enforcement, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic V-03</a>
NCDOT Powers (railroad crossings)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers			<a href="#">20-142.2</a>		2005-0349		
NCDOT Powers (railroad crossings)	Authority to determine that trains are not operating during certain periods or seasons of the year; authority to post "Exempt" signs at railroad crossings			<a href="#">20-142.4 (e)</a>		2019-0036		
NCDOT Powers (railroad crossings)	Authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
NCDOT Powers (railroad crossings)	Railroad crossings (at-grade, overpasses, underpasses); safety and unreasonable interference; construction, safety devices; NCDOT jurisdiction is exclusive		-	<a href="#">136-20</a>		1994-0024es		
NCDOT Powers (railways)	Authority to issue permits to dig up the State highway system for the laying or placing of railways; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
NCDOT Powers (regulations)	Authority for regulations for sewer work done in, along, or across the State highway system		-	<a href="#">162A-74</a>		1977-0464		
NCDOT Powers (rescue squads)	Rescue squad facilities (authority to pave driveways)			136-18 (24)		2019-0199		
NCDOT Powers (rest areas)	Authority for rules and regulations regarding refreshment signs		-	<a href="#">136-89.59 (5)</a>		2012-0085		
NCDOT Powers (rest areas)	Requirement to regulate vending machines and items dispensed		-	<a href="#">136-89.56</a>		2015-0239		
NCDOT Powers (right-of-way)	Acquisition		-	<a href="#">136-18 (2) (b)</a>		2019-0199		
NCDOT Powers (right-of-way)	Acquisition for secondary roads (county commissioner requests for			<a href="#">136-18 (26)</a>		2019-0199		

	construction, paving, or other improvements							
NCDOT Powers (right-of-way)	Authority to acquire buildings and structures		-	<a href="#">136-19.3</a>		2009-0266		
NCDOT Powers (right-of-way)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
NCDOT Powers (right-of-way)	Authority to acquire right-of-way (mineral deposits, timber, utilities, projects, federal parkways)			<a href="#">136-19</a>		2009-0266		
NCDOT Powers (right-of-way)	Authority to issue a permit for planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush)		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
NCDOT Powers (right-of-way)	Board resolution under the power of eminent domain			<a href="#">136-18 (16)</a>		2019-0199		
NCDOT Powers (right-of-way)	General		-	<a href="#">136-18 (2)</a>		2019-0199		
NCDOT Powers (right-of-way)	Nonutility communications and data transmission infrastructure		-	<a href="#">136-18 (2) (c) (2)</a>		2019-0199		
NCDOT Powers (right-of-way)	Utilities		-	<a href="#">136-18 (2) (c)</a>		2019-0199		
NCDOT Powers (road closures)	Authority to consent to State highway system road closures within municipalities			<a href="#">160A-299 (e)</a>		2015-0103		
NCDOT Powers (road names)	Names of State highways		-	<a href="#">136-18 (8)</a>		2019-0199	<a href="#">Local Governments - Policies and Procedures</a>	<a href="#">TEPPL Topic N-01</a>
NCDOT Powers (roadways)	Authority to approve intersecting the State highway system with private driveways and roadways, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		
NCDOT Powers (RPOs)	Authority to form Rural Transportation Planning Organizations (RPOs); representation, membership, formation, ethics, and violations		-	<a href="#">136-211</a>		2018-0146		
NCDOT Powers (rules)	Authority for rules for sewer work done in, along, or across the State highway system		-	<a href="#">162A-74</a>		1977-0464		

NCDOT Powers (schools)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the State highway system; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (schools)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the State highway system; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
NCDOT Powers (schools, blind)	Schools for the blind (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (schools, deaf)	Schools for the deaf (design, construct, repair, and maintain paved streets and roads)		-	<a href="#">136-18 (25)</a>		2019-0199		
NCDOT Powers (schools, public)	Public schools (connecting roads - shall maintain and repair)		-	<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (schools, public)	Public schools (driveways - may construct, pave, and maintain)		-	<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (schools, public)	Public schools (parking facilities - may construct, pave, and maintain)		-	<a href="#">136-18 (17)</a>		2019-0199		
NCDOT Powers (secondary roads)	Authority for intermittent closings when roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		
NCDOT Powers (secondary roads)	Authority to add, modify, and delete secondary road numbers; secondary road number guidance and requirements				<a href="#">2B.0304</a>	1993-0726	<a href="#">Division Engineer Letters</a>	
NCDOT Powers (secondary roads)	Authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
NCDOT Powers (secondary roads)	Requirement to consider citizen petitions concerning additions and improvements, and associated county recommendations; requirement to report back to the board of county commissioners		-	<a href="#">136-62</a>		1977-0464		

NCDOT Powers (secondary roads)	Requirement to follow uniform statewide or regional standards and criteria adopted by the Board of Transportation for the addition of secondary roads		-	<a href="#">136-44.10</a>		1977-0464		
NCDOT Powers (service roads)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
NCDOT Powers (service roads)	Authority to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
NCDOT Powers (signs)	Authority to approve informational, regulatory, and warning signs within the right-of-way of highway projects inside incorporated municipalities if funded in whole or in part with federal appropriations expended by NCDOT		-	<a href="#">136-18 (19)</a>		2019-0199		
NCDOT Powers (signs)	Authority to designate main-traveled or through highways and streets on the State highway system by erecting signs at entrances notifying drivers of vehicles to yield the right-of-way; exceptions; violations			<a href="#">20-158.1</a>		1977-0464		
NCDOT Powers (signs)	Authority to offer a reward for information leading to the arrest and conviction of persons who damage or remove signs		-	<a href="#">136-33 (c)</a>		1994-0024es		
NCDOT Powers (signs)	Directional signs (removal exemption procedures)			136-140.8		1977-0639		
NCDOT Powers (signs)	Requirement to erect fishing regulation signs		-	<a href="#">136-102.5</a>		1977-0464		<a href="#">TEPPL Topic F-11</a>
NCDOT Powers (signs)	Requirement to erect signs giving adequate warning of the presence and crossing of cattle		-	<a href="#">136-33.1</a>		1977-0464		
NCDOT Powers (signs, directional)	Permits, fees			<a href="#">136-133 (a)</a>		2011-0397		
NCDOT Powers (signs, signals)	Authority to permit and remove signs and signals		-	<a href="#">136-32 (a)</a>		2019-0119		
NCDOT Powers (signs, TODS)	Tourist-Oriented Directional Sign Program (definitions, limitations)		-	<a href="#">136-140.15</a>	-	2001-0383		<a href="#">TEPPL Topic T-08</a>

NCDOT Powers (speed limits)	Authority to lower or raise speed limits outside the corporate limits of a municipality, on interstates, and on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
NCDOT Powers (speed limits)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the State highway system; signs; signals; exceptions; requirements; penalties	-		<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (speed limits)	Authority to lower speed limits by ordinance for areas adjacent to or near a school on the State highway system; signs; signals; exceptions; requirements; penalties	-		<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
NCDOT Powers (speed limits)	Authority to pass concurrent ordinances with municipalities to change posted speed limits on the State highway system following annexation			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (speed limits)	Authority to pass concurring ordinances for a municipality to raise or lower speed limits on the State highway system; engineering and traffic investigations; exceptions; maximum; signs			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (speed limits)	Authority to raise or lower speed limits on the State highway system within municipalities which do not have a governing body to enact municipal ordinances			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (speed limits)	Authority to set minimum speed limits on the State highway system inside of municipal corporate limits on the basis of an engineering and traffic investigation by concurring ordinances between NCDOT and municipalities; signs; exceptions	-		<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (speed limits)	Authority to set minimum speed limits on the State highway system outside of municipal corporate limits on the basis of an engineering and traffic investigation; signs; exceptions			<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>

NCDOT Powers (speed limits)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
NCDOT Powers (speeds)	Authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
NCDOT Powers (STAA designations)	Authority to designate routes; conditions; exceptions		-	<a href="#">20-115.1 (g)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
NCDOT Powers (STAA reasonable access)	Authority to impose reasonable restrictions; authority to promulgate rules and regulations; authority to approve routes		-	<a href="#">20-115.1 (f)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
NCDOT Powers (state aid)	Requirement to provide state aid to municipalities; appropriations by population and mileage; timeframes		-	<a href="#">136-41.1</a>		2015-0241		
NCDOT Powers (State highway system)	Authority to exercise complete and permanent control		-	<a href="#">136-93 (a)</a>		2014-0115		
NCDOT Powers (State highway system)	Authority to mark and number the State highway system; authority for all signs within the right-of-way; requirement for signs and other traffic control devices to conform to the Uniform Manual		-	<a href="#">136-30 (a)</a>		1993-0051	<a href="#">Route Changes</a>	
NCDOT Powers (state parks)	Requirement to maintain all roads and parking lots in state parks; requirement to partner with NCDNCR and use accepted park planning and design principles		-	<a href="#">136-44.12</a>		2015-0241		
NCDOT Powers (structures)	Authority to issue permits to place, change, or remove structures on the State highway system; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
NCDOT Powers (structures)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
NCDOT Powers (subdivisions)	Regulation of road designs		-	<a href="#">136-102.6 (c)</a>		2021-0121		



NCDOT Powers (tolls)	<b>REPEALED:</b> Authority to charge tolls for bridges; requirements; specifications; reporting		-	<a href="#">136-82.2</a>		2010-0133	Repealed effective 12/1/2010	
NCDOT Powers (traffic calming)	Traffic calming devices (approval)		-	<a href="#">136-102.8</a>		2015-0217		<a href="#">TEPPL Topic T-11</a>
NCDOT Powers (traffic census)	Relative use, cost, value, importance, and necessity of roads			<a href="#">136-18 (6)</a>		2019-0199		
NCDOT Powers (traffic control devices)	Authority to approve all traffic control devices placed on the State highway system within the corporate limits of a municipality		-	<a href="#">136-30 (b)</a>		1993-0051		
NCDOT Powers (traffic control)	Authority to control vehicles on the State highway system with signs, signals, and other devices		-	<a href="#">20-158 (a)</a>		2017-0102		
NCDOT Powers (traffic control)	Authority to establish requirements and standards for photographic systems		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
NCDOT Powers (truck routes)	Authority to approve municipally established truck routes on the State highway system; authority to establish truck routes within municipalities on any system (with municipal designation for non-system streets)				<a href="#">2B.0213</a>	1993-1001		
NCDOT Powers (truck routes)	Authority to designate truck routes; specifics; penalties; exceptions		-	<a href="#">20-116 (h)</a>		2015-0286		
NCDOT Powers (truck routes)	NCDOT authority to designate and mark truck routes		-	<a href="#">20-141 (i)</a>		2013-0360		
NCDOT Powers (truck width)	Authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		<a href="#">49 USC 31113</a>		-	1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
NCDOT Powers (truck width)	<b>RECODIFIED:</b> Authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		49 USC 2316		-	1984-1030	Recodified as 49 USC 31113 on 7/5/1994	
NCDOT Powers (trucks)	Authority to designate and mark truck routes		-	<a href="#">20-141 (i)</a>		2013-0360		
NCDOT Powers (trucks)	Authority to prohibit; requirements		-	<a href="#">20-115.1 (b)</a>		2008-0221		
NCDOT Powers (turns)	Authority to modify turning methods through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
NCDOT Powers (uniform manual)	Authority to adopt supplements to the Uniform Manual		-	<a href="#">136-30 (d)</a>		1993-0051		

NCDOT Powers (utilities)	Authority for rules, regulations, and reasonable requirements for sewer work done in, along, or across the State highway system		-	<a href="#">162A-74</a>		1977-0464		
NCDOT Powers (utilities)	Authority to issue permits to dig up the State highway system for the laying or placing of pipes, conduits, sewers, wires, or other objects; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
NCDOT Powers (utilities)	Regulation in subdivisions		-	<a href="#">136-102.6 (e)</a>		2021-0121		
NCDOT Powers (utilities)	Rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		
NCDOT Powers (vegetation removal)	Vegetation removal for outdoor advertising (permits)			136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (vegetation removal)	Vegetation removal for outdoor advertising (permits)			136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (vegetation removal)	Vegetation removal for outdoor advertising (permits, decisions)			136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (vegetation removal)	Vegetation removal for outdoor advertising (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (vegetation removal)	Vegetation removal for outdoor advertising (permits, traffic control, damages, requirements, penalties)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
NCDOT Powers (vegetation)	Authority to issue a permit for planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush)		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
NCDOT Powers (vehicle combinations)	Authority to prohibit vehicle combinations used in connection with motorsports competition events from specific routes		-	<a href="#">20-116 (n)</a>		2015-0286		
NCDOT Powers (vehicles)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on the State highway system due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>
NCDOT Powers (weights)	Authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
NCDOT Powers (weights)	Authority to prohibit vehicles, or restrict the weights of vehicles, by ordinance on the State highway system due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>

NCDOT Powers (welcome centers)	Authority for rules and regulations regarding refreshment signs		-	<a href="#">136-89.59 (5)</a>		2012-0085		
NCDOT Powers (welcome centers)	Authority to issue rules and regulations regarding materials displayed at welcome centers		-	<a href="#">136-89.56</a>		2015-0239		
NCDOT Powers (wireless facilities)	Rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		
NCDOT Requirements (historical markers)	NCDOT requirement to transfer funds to NCDNCR for the purchase of historical markers; requirement to erect markers on sites selected by NCDNCR; maintenance funds; authority to use federal funds			<a href="#">136-42.3</a>		2021-0180		<a href="#">TEPPL Topic H-38</a>
NCDOT Responsibilities (collaboration improvement)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
NCDOT Responsibilities (Correction Enterprises)	NCDOT shall give preference to purchasing articles, products, and commodities from Correction Enterprises manufactured or produced in the State prison system; exceptions; prices			<a href="#">148-134</a>		2021-0180		
NCDOT Responsibilities (crossings)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		
NCDOT Responsibilities (crossings)	NCDOT required to pay for changes in track elevation if crossing grade changes due to road work; exceptions				<a href="#">2B.0157</a>	1993-1001		
NCDOT Responsibilities (drainage)	NCDOT is responsible for the maintenance of drainage of the State highway system				2D.0404 (b) (5)	1993-1101		
NCDOT Responsibilities (drainage)	Requirement to review all drainage of subdivision roads prior to acceptance to the State highway system				2C.0205	1993-1229		
NCDOT Responsibilities (firms)	NCDOT required to maintain a directory of firms with necessary expertise and experience, prequalifications, requirements, solicitations, awards, supplementals				2E.0702	2014-1001	<a href="#">Private Consulting Firms Requirements</a>	<a href="#">TEPPL Topic L-17</a>

NCDOT Responsibilities (flooding)	Required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
NCDOT Responsibilities (guard rail)	NCDOT shall maintain, repair, and replace guard rail on the State highway system				2D.0404 (b) (9)	1993-1101		
NCDOT Responsibilities (impacted persons and entities)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
NCDOT Responsibilities (lane use)	NCDOT and municipalities shall ensure traffic lanes are kept open				2D.0404 (b) (11)	1993-1101		
NCDOT Responsibilities (lighting)	NCDOT shall maintain street lighting on freeways, interstate systems, and other controlled access highways if determined to be for public safety				2D.0404 (b) (10) (A)	1993-1101		<a href="#">TEPPL Topic L-09</a>
NCDOT Responsibilities (metropolitan planning funds)	NCDOT required to administer Metropolitan planning (PL) funds				2B.0309	1993-0301		
NCDOT Responsibilities (pedestrians)	NCDOT shall accept and use funding provided by municipalities for pedestrian safety improvements on a State road, provided municipalities fund 100% of the improvement; requirements			136-66.3 (c4)		2015-0241		
NCDOT Responsibilities (PL funds)	NCDOT required to administer PL (metropolitan planning) funds				2B.0309	1993-0301		
NCDOT Responsibilities (Powell Bill)	Municipal requirements to establish eligibility for allocations				2B.0306	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
NCDOT Responsibilities (Powell Bill)	NCDOT requirement to pay state street aid allocations to eligible and qualifying municipalities				2B.0305	1993-0726	<a href="#">State Street-Aid (Powell Bill) Program</a>	
NCDOT Responsibilities (preemption)	NCDOT shall respond to requests for approval of preemption on State highways within local boundaries within 60 days of receipt of the request			<a href="#">20-169 (5)</a>		1999-0310		<a href="#">TEPPL Topic T-20</a>
NCDOT Responsibilities (railroads)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		

NCDOT Responsibilities (railroads)	NCDOT required to pay for changes in track elevation if crossing grade changes due to road work; exceptions				<a href="#">2B.0157</a>	1993-1001		
NCDOT Responsibilities (right-of-way)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
NCDOT Responsibilities (sidewalks)	NCDOT shall replace sidewalks removed as part of widening projects, NCDOT shall evaluate the need for sidewalks in the planning stage of a project, requirements				2D.0406	1999-0501		
NCDOT Responsibilities (signs)	Required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
NCDOT Responsibilities (signs)	Responsibility for signing truck routes on the State highway system				<a href="#">2B.0213 (c)</a>	1993-1001		
NCDOT Responsibilities (snow and ice)	NCDOT shall clear State highway system streets but not sidewalks; municipalities may clear State highway system streets through an agreement with NCDOT and NCDOT reimbursement				2D.0404 (b) (8)	1993-1101		
NCDOT Responsibilities (spot mobility program)	Mobility, modernization, congestion, delay, requirements, considerations, selection, schools			136-189.20		2019-0231		<a href="#">TEPPL Topic S-81</a>
NCDOT Responsibilities (subdivision roads)	Requirement to review all drainage of subdivision roads prior to acceptance to the State highway system				2C.0205	1993-1229		
NCDOT Responsibilities (truck routes)	Responsibility for signing truck routes on the State highway system				<a href="#">2B.0213 (c)</a>	1993-1001		
NCDOT Responsibilities (weigh stations)	NCDOT shall be responsible for the maintenance and upkeep of all permanent weigh stations			<a href="#">20-183.9</a>		2011-0145		
NCTA Powers (bridges)	Authority to construct, operate, and maintain toll bridges; creation; structure			136-89.182 (a)		2011-0145		

NCTA Powers (designation)	Authority to designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
NCTA Powers (general)	Authority to undertake preliminary design work; contracts; limitations; project conditions; eminent domain; bonds and notes; incentives; toll enforcement agreements			136-89.183		2015-0241		
NCTA Powers (general)	North Carolina Turnpike Authority (NCTA); creation, structure, Board, bylaws; ethics; Executive Director; administrative employees			136-89.182		2011-0145		
NCTA Powers (roads)	Authority to construct, operate, and maintain toll roads; creation; structure			136-89.182 (a)		2011-0145		
NCTA Powers (vehicles)	Authority to control vehicles at appropriate places by erecting traffic control devices to collect tolls			20-158.2		2002-0133		
Neighborhood Public Roads	Definition		-	<a href="#">136-67</a>		1997-0443		
Nuclear Fuel (spent)	Requirement to notify the NC State Highway Patrol prior to transporting, authority for rules and regulations, violations, penalties		-	<a href="#">20-167.1</a>		1994-0024es		
Numbering (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Numbering (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
Numbering (primary highways)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Numbering (primary highways)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-12</a>

Numbering (primary highways)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic I-05</a>
Numbering (roads)	NCDOT authority to number the State highway system			<a href="#">136-30 (a)</a>		1993-0051	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-12</a>
Numbering (roads)	NCDOT authority to number the State highway system			<a href="#">136-30 (a)</a>		1993-0051	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic I-05</a>
Numbering (roads)	NCDOT authority to number the State highway system			<a href="#">136-30 (a)</a>		1993-0051	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
Numbering (roads)	NCDOT authority to number the State highway system			<a href="#">136-30 (a)</a>		1993-0051	<a href="#">Division Engineer Letters</a>	
Numbering (secondary roads)	Secondary road number guidance and requirements; NCDOT authority to add, modify, and delete secondary road numbers				<a href="#">2B.0304</a>	1993-0726	<a href="#">Division Engineer Letters</a>	
Numbering (State Traffic Engineer)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Obstructions (Chief Engineer powers)	Authority to allow persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		
Obstructions (construction)	Unlawful for persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Obstructions (Division Engineer powers)	Authority to remove obstructions interfering with traffic or maintenance				<a href="#">2E.0404 (c)</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Obstructions (drainage)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (drainage)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Obstructions (drains)	Prohibition; penalty		-	<a href="#">136-92</a>	-	1995-0163		
Obstructions (general)	NCDOT authority for rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		<a href="#">TEPPL Topic H-08</a>

Obstructions (highways)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (injurious)	Prohibition of throwing, placing, or depositing any glass, other sharp or cutting substance, or any injurious obstructions; definitions; penalties		-	<a href="#">136-91</a>		2001-0441		
Obstructions (intersections)	Clearing of hazards (acquisition of right-of-way by eminent domain)		-	<a href="#">136-18 (16)</a>		2019-0199		
Obstructions (mailboxes)	Obstructions interfering with traffic or maintenance prohibited, removal, exceptions				<a href="#">2E.0404</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Obstructions (maintenance)	Obstructions interfering with traffic or maintenance prohibited, removal, exceptions				<a href="#">2E.0404</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Obstructions (PVAs)	Prohibition of throwing, placing, or depositing any glass, other sharp or cutting substance, or any injurious obstructions; definitions; penalties			<a href="#">136-91</a>		2001-0441		
Obstructions (right-of-way)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (roads)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (roads)	Prohibition of throwing, placing, or depositing any glass, other sharp or cutting substance, or any injurious obstructions; definitions; penalties		-	<a href="#">136-91</a>		2001-0441		
Obstructions (roads)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		<a href="#">TEPPL Topic H-08</a>
Obstructions (roadways)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (runaway truck ramps)	Unlawful for vehicles, mopeds, bicycles, pedestrians, animals, or animal powered vehicles to park on, stand upon, obstruct, or otherwise use runaway truck ramps, exceptions				<a href="#">2E.0422</a>	1981-0810		



Obstructions (State highway system)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Obstructions (traffic)	Obstructions interfering with traffic or maintenance prohibited, removal, exceptions				<a href="#">2E.0404</a>	1993-1101		<a href="#">TEPPL Topic H-08</a>
Obstructions (utilities)	Prohibition of electric power, telegraph or telephone lines to obstruct or hinder travel along railroads or public highways			<a href="#">62-180</a>		1963-1165		
Ordinances (airports)	NCDOT authority to preserve safe clearances between highways and airways (airport and aircraft landing area construction and alterations)			<a href="#">136-18 (22)</a>		2019-0199		
Ordinances (general)	Authority, delegation, subdelegation, rules, primary highway numbers				4A.0104	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Ordinances (junkyards)	Ordinances authorized for the regulation of junkyards, delegation to Secretary			136-151	-	1977-0464		
Ordinances (NCDOT)	Authority for utilities, wireless facilities, fences, obstructions		-	<a href="#">136-18 (10)</a>		2019-0199		
Ordinances (NCDOT)	State highways (use of, police traffic on, prevent abuse, enforcement, violations, conflicts)		-	<a href="#">136-18 (5)</a>		2019-0199		<a href="#">TEPPL Topic H-11</a>
Ordinances (penalties)	<b>REPEALED:</b> Penalty imposed for violation of ordinances				2E.0401	1993-1101	Repealed effective 11/1/1993	
Ordinances (State Traffic Engineer)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (b)	1995-1201		<a href="#">TEPPL Topic H-11</a>
Ordinances (vehicles)	NCDOT and local authorities may prohibit vehicles, or restrict the weights of vehicles, by ordinance on their respective highway systems due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>

Ordinances (weights)	NCDOT and local authorities may prohibit vehicles, or restrict the weights of vehicles, by ordinance on their respective highway systems due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>
Overpasses (railroads)	Safety and unreasonable interference; NCDOT authority to require construction; maintenance costs incurred by NCDOT		-	<a href="#">136-20</a>		1994-0024es		
Overpasses (signs)	<b>EXPIRED:</b> Railroad name signs on overpasses				<a href="#">2B.0218</a>	2016-1001	Expired effective 10/1/2016	
Overtaking (crosswalks)	Overtaking and passing other vehicles at crosswalks that have stopped to permit pedestrians to cross is prohibited			<a href="#">20-173 (b)</a>		1973-1330		
Overtaking (general)	Passing on the right permitted under certain conditions		-	<a href="#">20-150.1</a>		1953-0679		
Overtaking (general)	Requirements, restrictions, railroad crossings, intersections, grades, curves, signs, markers, markings, exceptions		-	<a href="#">20-150</a>		2016-0090		
Overtaking (general)	Sufficient space between vehicles, requirements, exceptions		-	<a href="#">20-152 (b)</a>		2017-0169		
Overtaking (general)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		
Parking (controlled access)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions		-	<a href="#">136-89.58 (5)</a>		1999-0330		
Parking (driveways)	Parking in front of a private driveway is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Parking (fire hydrants)	Parking within 15-feet of a fire hydrant is prohibited; exceptions			<a href="#">20-162 (a)</a>		1981-0574		
Parking (fire lanes)	Parking in any area designated as a fire lane is prohibited; exceptions			<a href="#">20-162 (b)</a>		1981-0574		
Parking (fire stations)	Parking within 15-feet of the entrance to a fire stations is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Parking (general)	Enforcement, ordinances, evidence, violations, penalties, exceptions		-	<a href="#">20-162.1</a>		2001-0259		<a href="#">TEPPL Topic H-11</a>

Parking (general)	No parking generally means a vehicle is not allowed to be stopped and left unattended (but is allowed to temporarily stop to load and/or discharge merchandise and/or passengers); no standing generally means a vehicle is not allowed to stop to load and/or discharge merchandise (but is allowed to temporarily stop to load and/or discharge passengers); no stopping means a vehicle is not allowed to stop		-	-			Web search (Cornell University, American Safety Council, State of New York)	
Parking (general)	Prohibition against vehicles being parked or left standing in front of private driveways, within 15-feet of fire hydrants or entrances to fire stations, within 25-feet of intersections, or in fire lanes; exceptions; violations		-	<a href="#">20-162</a>		1981-0574		
Parking (general)	Prohibitions; roadways; solid waste vehicles; pavement; shoulders; trucks, truck tractors, trailers and semitrailers; removal, transporting, and storage of vehicles; removal after 24 hours; immediate removal if interfering with traffic or constitutes a hazard; exceptions		-	<a href="#">20-161</a>		2015-0231		
Parking (handicapped)	General, license plates, placards, exemptions, medical certifications, violations, designated parking spaces, signs, enforcement, public vehicular areas (PVAs), penalties		-	<a href="#">20-37.6</a>		2019-0213		<a href="#">TEPPL Topic H-01</a>
Parking (headlights)	Prohibition against leaving bright lights of vehicles on when they are facing oncoming traffic and the vehicle is parking or left standing at night on a highway or side road		-	<a href="#">20-161.1</a>		1953-1052		
Parking (highways)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Parking (intersections)	Parking within 25-feet from the intersection of curb lines is prohibited			<a href="#">20-162 (a)</a>		1981-0574		

Parking (night)	Prohibition against leaving bright lights of vehicles on when they are facing oncoming traffic and the vehicle is parking or left standing at night on a highway or side road		-	<a href="#">20-161.1</a>		1953-1052		
Parking (regulations)	NCDOT authority on the State highway system if the street is maintained with State highway funds		-	<a href="#">136-18 (5)</a>		2019-0199		
Parking (rest areas)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Parking (right-of-way)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Parking (roadways)	Prohibited on paved roadways where posted speed limits are 45 MPH or greater; exceptions			<a href="#">20-161 (a1)</a>		2015-0231		
Parking (roadways)	Prohibited on roadways where posted speed limits are less than 45 MPH; exceptions			<a href="#">20-161 (a)</a>		2015-0231		
Parking (school buses)	Construct, pave, and maintain facilities (public schools - may condition)		-	<a href="#">136-18 (17)</a>		2019-0199		
Parking (school buses)	The Board of Transportation shall pave a school bus drive and stabilize a school bus parking area at public schools.				2C.0114	1993-1229		
Parking (shoulders)	Prohibited unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic			<a href="#">20-161 (b)</a>		2015-0231		
Parking (signs)	<b>REPEALED:</b> Erection of signs by local authority		-	<a href="#">136-31</a>		1991-0530	Repealed effective 1/1/1992	
Parking (signs)	Responsibility for the installation and maintenance of parking control signs on the state municipal system				<a href="#">2B.0212 (b)</a>	1993-1001		
Parking (signs)	Responsibility for the installation and maintenance of parking prohibition and control signs		-	-	<a href="#">2B.0212</a>	1993-1001		
Parking (signs)	Responsibility for the installation and maintenance of parking prohibition signs on the State highway system		-	-	<a href="#">2B.0212 (a)</a>	1993-1001		

Parking (state parks)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
Parking (UNC System)	Regulation authority on certain public streets adjacent to campuses		-	<a href="#">116-44.5</a>		2005-0165		
Parking (UNC System)	Regulation authority on university property		-	<a href="#">116-44.4</a>		2006-0203		
Parkways (federal)	NCDOT authority to acquire right-of-way			<a href="#">136-19 (g)</a>		2009-0266		
Parkways (federal)	USDOJ authority to designate federal parkways			<a href="#">136-19 (i)</a>		2009-0266		
Passing (crosswalks)	Overtaking and passing other vehicles at crosswalks that have stopped to permit pedestrians to cross is prohibited			<a href="#">20-173 (b)</a>		1973-1330		
Passing (draft animals)	Motor vehicle operators shall use reasonable care when approaching or passing a horse or other draft animal whether ridden or otherwise under control		-	<a href="#">20-216</a>		1969-0401		
Passing (general)	Passing on the right permitted under certain conditions		-	<a href="#">20-150.1</a>		1953-0679		
Passing (general)	<b>REPEALED:</b> Overtaken driver to yield right of way		-	<a href="#">20-151</a>		1995-0283	Repealed effective 12/1/1995	
Passing (general)	Requirements, restrictions, railroad crossings, intersections, grades, curves, signs, markers, markings, exceptions		-	<a href="#">20-150</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Passing (general)	Sufficient space between vehicles, requirements, exceptions		-	<a href="#">20-152 (b)</a>		2017-0169		
Passing (general)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		<a href="#">TEPPL Topic I-12</a>
Passing (general)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Passing (lights)	Prohibition on placing blinding, deceptive, or distracting lights		-	<a href="#">136-32.2 (a) (3)</a>		1994-0024es		

Pavement Markings (general)	Intersections, yielding, stop lines, marked crosswalks, violations, prohibitions, right-of-way, pedestrians, penalties		-	<a href="#">20-158</a>		2017-0102		
Pavement Markings (rush hour traffic lanes)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Pedestrians (barriers)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Pedestrians (blind)	Blind or partially blind pedestrians with a white cane or guide dog shall have the right-of-way when crossing where traffic is not regulated by officers or signals, and have the right-of-way to complete a crossing where traffic is controlled by signals		-	<a href="#">20-175.2</a>		1949-0324		
Pedestrians (crossings)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Pedestrians (crossings)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Pedestrians (crosswalks)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		<a href="#">TEPPL Topic C-36</a>
Pedestrians (crosswalks)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Pedestrians (curb cuts/ramps)	Requirements; guidelines		-	<a href="#">136-44.14</a>		1973-0718		

Pedestrians (gates)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Pedestrians (handicapped)	Requirements; guidelines		-	<a href="#">136-44.14</a>		1973-0718		
Pedestrians (impeding traffic)	Pedestrians are prohibited from willfully standing, sitting, or lying upon the highway or street in such a manner as to impede the regular flow of traffic; violations		-	<a href="#">20-174.1</a>		1993-0761		
Pedestrians (intersections)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Pedestrians (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
Pedestrians (NCDOT responsibilities)	NCDOT shall accept and use funding provided by municipalities for pedestrian safety improvements on a State road, provided municipalities fund 100% of the improvement; requirements			136-66.3 (c4)		2015-0241		
Pedestrians (pedestrian control signals)	General		-	<a href="#">20-172</a>		1987-0125		
Pedestrians (pedestrian control signals)	Indication requirements ("WALK" and "DON'T WALK")		-	<a href="#">20-172 (b)</a>		1987-0125		
Pedestrians (pedestrian control signals)	Indication requirements ("WALK" and "DON'T WALK"); compliance requirements		-	<a href="#">20-172 (b)</a>		1987-0125		
Pedestrians (railroads)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Pedestrians (right-of-way)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		

Pedestrians (right-of-way)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Pedestrians (right-of-way)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Pedestrians (runaway truck ramps)	Unlawful for vehicles, mopeds, bicycles, pedestrians, animals, or animal powered vehicles to park on, stand upon, obstruct, or otherwise use runaway truck ramps, exceptions				<a href="#">2E.0422</a>	1981-0810		
Pedestrians (sidewalks)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Pedestrians (solicitation)	Standing or loitering; soliciting rides, employment, business, or contributions; impeding the normal flow of traffic; exceptions		-	<a href="#">20-175</a>		2008-0223		
Pedestrians (traffic control)	Requirement to follow traffic control signals; definitions		-	<a href="#">20-172</a>		1987-0125		
Pedestrians (UNC System)	Regulation authority on university property		-	<a href="#">116-44.4</a>		2006-0203		
Pedestrians (unsignalized places)	Compliance privileges and restrictions		-	<a href="#">20-172 (d)</a>		1987-0125		
Pedestrians (vehicle control signals)	Compliance requirements (if no special pedestrian control signals are present)		-	<a href="#">20-172 (c)</a>		1987-0125		
Permits (agricultural equipment)	NCDOT requirement to issue permits for agricultural equipment and machinery; requirements		-	<a href="#">20-119 (g) (1)</a>		2017-0097		
Permits (agricultural equipment)	NCDOT requirement to issue permits for agricultural equipment or machinery; requirements		-	<a href="#">20-119 (g) (1)</a>		2017-0097		
Permits (airports)	Construction or alteration of airports or aircraft landing areas near public highways requirements and permits, exceptions				2E.0423	1993-1101		



Permits (airports)	NCDOT authority to preserve safe clearances between highways and airways (airport and aircraft landing area construction and alterations)			<a href="#">136-18 (22)</a>		2019-0199		
Permits (alternate routes)	Revocations, suspensions, voids, violations, denials, appeals, hearings, decisions, process, time frames, detours, alternate routes				<a href="#">2D.0633</a>	2012-1201		
Permits (annual trips)	Requirements				<a href="#">2D.0602 (b)</a>	2002-0801		
Permits (appeals)	Revocations, suspensions, voids, violations, denials, appeals, hearings, decisions, process, time frames, detours, alternate routes				<a href="#">2D.0633</a>	2012-1201		
Permits (applications)	<b>REPEALED:</b> Applications for a permit				<a href="#">2D.0604</a>	1991-1001	Repealed effective 10/1/1991	
Permits (boat trailers)	NCDOT requirement to issue permits for boats and boat trailers; requirements		-	<a href="#">20-119 (g) (2)</a>		2017-0097		
Permits (boats)	NCDOT requirement to issue permits for boats and boat trailers; requirements		-	<a href="#">20-119 (g) (2)</a>		2017-0097		
Permits (building moves)	<b>REPEALED:</b> Distance limitations - building moves				<a href="#">2D.0616</a>	1979-0101	Repealed effective 1/1/1979	
Permits (building moves)	<b>REPEALED:</b> Indemnity - building moves				<a href="#">2D.0618</a>	1993-1101	Repealed effective 11/1/1993	
Permits (building moves)	<b>REPEALED:</b> Limitations - building moves				<a href="#">2D.0619</a>	1991-1001	Repealed effective 10/1/1991	
Permits (building moves)	<b>REPEALED:</b> Removal of obstructions - building moves				<a href="#">2D.0617</a>	1991-1001	Repealed effective 10/1/1991	
Permits (building moves)	<b>REPEALED:</b> Size and weight - building moves				<a href="#">2D.0614</a>	1991-1001	Repealed effective 10/1/1991	
Permits (building moves)	<b>REPEALED:</b> Time and safety requirements - building moves				<a href="#">2D.0613</a>	1991-1001	Repealed effective 10/1/1991	
Permits (buildings)	<b>REPEALED:</b> Estimate of gross weight - buildings				<a href="#">2D.0615</a>	1991-1001	Repealed effective 10/1/1991	

Permits (closures)	NCDOT authority to issue permits for intermittent closings when secondary roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		
Permits (delegation)	<b>REPEALED:</b> Delegation				<a href="#">2D.0634</a>	1991-1001	Repealed effective 10/1/1991	
Permits (denials)	Revocations, suspensions, voids, violations, denials, appeals, hearings, decisions, process, time frames, detours, alternate routes				<a href="#">2D.0633</a>	2012-1201		
Permits (detours)	Drivers shall check with the office issuing a permit prior to proceeding on officially detoured routes from the specified route on the permit			<a href="#">20-364</a>		2004-0124		
Permits (detours)	Revocations, suspensions, voids, violations, denials, appeals, hearings, decisions, process, time frames, detours, alternate routes				<a href="#">2D.0633</a>	2012-1201		
Permits (driveways)	Application approval process				2B.0604	1993-1001		
Permits (driveways)	Application review period				2B.0605	1993-1001		
Permits (driveways)	Application, requirements				2B.0602	1993-1229		
Permits (driveways)	Permits required to construct any commercial entrance with the right-of-way of the State highway system				<a href="#">2E.0417</a>	1993-1101		
Permits (driveways)	Requirements, exceptions				<a href="#">2B.0601</a>	1993-1001		
Permits (driveways)	Special commercial property				<a href="#">2B.0603</a>	1995-0101		
Permits (equipment)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (escort driver program)	Certification process, reciprocity, restrictions, requirements, Community College System, term, revocation, appeals				<a href="#">2D.0644</a>	2009-0401		<a href="#">TEPPL Topic E-13</a>
Permits (escort vehicles)	Driver certification, requirements				<a href="#">2D.0643</a>	2003-0401		<a href="#">TEPPL Topic E-13</a>

Permits (escort vehicles)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (escort vehicles)	<b>REPEALED:</b> Escort of vehicle requirements				<a href="#">2D.0622</a>	1991-1001	Repealed effective 10/1/1991	
Permits (escort vehicles)	<b>REPEALED:</b> Position of escort vehicle				<a href="#">2D.0621</a>	1991-1001	Repealed effective 10/1/1991	
Permits (escort vehicles)	<b>REPEALED:</b> Requiring of escort vehicle				<a href="#">2D.0620</a>	1991-1001	Repealed effective 10/1/1991	
Permits (escort vehicles)	<b>REPEALED:</b> Slow speed: escort				<a href="#">2D.0623</a>	1991-1001	Repealed effective 10/1/1991	
Permits (fees)	<b>REPEALED:</b> Permit fees				<a href="#">2D.0641</a>	1991-1001	Repealed effective 10/1/1991	
Permits (ferries)	Maximum physical dimensions of vehicles, vehicles requiring oversize or overweight permits				<a href="#">2D.0539</a>	1993-1201		
Permits (firefighting equipment)	NCDOT authority to issue permits to firefighting equipment waiving weight and size restrictions and implementing rules for a commercial overweight or oversize vehicle; NCDOT authority to issue permits verbally			20-118.4 (d)		2012-0078		
Permits (flooding)	Application procedure for intermittent road closing, requirements				<a href="#">2D.0704</a>	2012-1201		
Permits (flooding)	Issuance, form, process				2D.0707	2012-1201		
Permits (flooding)	NCDOT required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
Permits (flooding)	Process for appealing the denial of an application for intermittent road closures				2D.0709	2012-1201		
Permits (flooding)	<b>REPEALED:</b> Public notice				2D.0706	1993-1001	Repealed effective 10/1/1993	

Permits (flooding)	Review procedures and requirements for completed applications, restrictions				2D.0705	2012-1201		
Permits (garbage collection containers)	NCDOT authority to issue and revoke permits		-	<a href="#">136-18.3</a>		2012-0085		
Permits (general)	Application, process, requirements, approvals, vertical clearances				<a href="#">2D.0601</a>	2019-0701		
Permits (general)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles			-	<a href="#">2D.0607</a>	2012-0801		
Permits (general)	<b><u>REPEALED:</u></b> Permits				<a href="#">2D.0605</a>	1991-1001	Repealed effective 10/1/1991	
Permits (general)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Permits (height)	<b><u>REPEALED:</u></b> Height				<a href="#">2D.0609</a>	1991-1001	Repealed effective 10/1/1991	
Permits (housemoving)	Application, process, requirements, approvals				<a href="#">2D.0601</a>	2019-0701		
Permits (housemoving)	<b><u>REPEALED:</u></b> House moves				<a href="#">2D.0612</a>	2019-0701	Repealed effective 7/1/2019	
Permits (houses)	Requirements				<a href="#">2D.0602 (f)</a>	2002-0801		
Permits (junkyards)	Permits, requirements			<a href="#">136-149</a>	-	1993-0493		
Permits (junkyards)	<b><u>REPEALED:</u></b> Permits				2E.0302	1993-1201	Repealed effective 12/1/1993	
Permits (law enforcement)	<b><u>REPEALED:</u></b> State Highway Patrol notification				<a href="#">2D.0627</a>	1991-1001	Repealed effective 10/1/1991	
Permits (length)	<b><u>REPEALED:</u></b> Length				<a href="#">2D.0608</a>	1991-1001	Repealed effective 10/1/1991	
Permits (liability)	NCDOT exempt from liability for injury to a person or damage to property as a result of issuing permits to firefighting equipment			20-118.4 (e)		2012-0078		

Permits (loads)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (loads)	NCDOT authority to issue permits for the operation or movement of vehicles of excessive size or weight; restrictions; fees; violations; penalties; exceptions; transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet; safety and safety equipment; escort driver training and certification program; agricultural equipment and machinery; boats and boat trailers; steel coils		-	<a href="#">20-119</a>		2017-0097		
Permits (manual)	<b>REPEALED:</b> Permit manual oversize overweight movements				<a href="#">2D.0640</a>	1981-0403	Repealed effective 4/3/1981	
Permits (manufactured homes)	Requirements				<a href="#">2D.0602 (g)</a>	2002-0801		
Permits (manufactured homes)	Requirements, exceptions				<a href="#">2D.0601</a>	2019-0701		
Permits (mobile homes)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (mobile homes)	Requirements				<a href="#">2D.0602 (g)</a>	2002-0801		
Permits (modular homes)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (modular homes)	Requirements				<a href="#">2D.0602 (g)</a>	2002-0801		
Permits (modular homes)	Requirements, exceptions				<a href="#">2D.0601</a>	2019-0701		
Permits (movement coordination)	<b>REPEALED:</b> Coordination of movement				<a href="#">2D.0635</a>	1991-1001	Repealed effective 10/1/1991	

Permits (newspaper distributions)	Distribution of newspapers at welcome centers and rest areas, indemnification				2E.0903	1991-1001		
Permits (newspaper distributions)	Distribution of newspapers at welcome centers and rest areas, permits, process, requirements, nonconformance, noncompliance				2E.0902	1991-1001		
Permits (newspaper distributions)	Distribution of newspapers at welcome centers and rest areas, violations, non-compliance, process, appeals				2E.0905	1993-1201		
Permits (nondivisible load)	One, two, or three steel coils, transported on the same vehicle, shall be considered a nondivisible load for purposes of permit issuance		-	<a href="#">20-119 (i)</a>		2017-0097		
Permits (non-divisible loads)	Requirements				<a href="#">2D.0602 (d)</a>	2002-0801		
Permits (outdoor advertising)	Regulation			<a href="#">136-130</a>		1993-0524		<a href="#">TEPPL Topic I-01</a>
Permits (outdoor advertising)	Vegetation removal			136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
Permits (outdoor advertising)	Vegetation removal			136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
Permits (outdoor advertising)	Vegetation removal (decisions)			136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
Permits (outdoor advertising)	Vegetation removal (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
Permits (outdoor advertising)	Vegetation removal (traffic control, damages, requirements, penalties)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
Permits (passenger buses)	<b>REPEALED:</b> Special permits for passenger buses				<a href="#">2D.0639</a>	1991-1001	Repealed effective 10/1/1991	
Permits (procedures)	<b>REPEALED:</b> Issuing offices and procedures				<a href="#">2D.0603</a>	1991-1001	Repealed effective 10/1/1991	
Permits (railways)	NCDOT authority to issue permits to dig up the State highway system for the laying or placing of railways; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Permits (refreshments)	Division Engineer requirement for to issue 30-day permits without cost for refreshments at rest areas and welcome centers; Chief Engineer authority to revoke permits for violations		-	<a href="#">136-89.59 (1)</a>		2012-0085		

Permits (requirements)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Permits (requirements)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Permits (right-of-way)	<b>REPEALED:</b> Highway right-of-way restrictions				<a href="#">2D.0631</a>	1991-1001	Repealed effective 10/1/1991	
Permits (route changes)	<b>REPEALED:</b> Route changes				<a href="#">2D.0630</a>	1991-1001	Repealed effective 10/1/1991	
Permits (routes)	Requirements for alternate routes, authority of officers, detours and verification			<a href="#">20-364</a>		2004-0124		
Permits (safety devices)	<b>REPEALED:</b> Safety devices				<a href="#">2D.0628</a>	1990-0901	Repealed effective 9/1/1990	
Permits (signs and flags)	<b>REPEALED:</b> Signs: flags				<a href="#">2D.0626</a>	1991-1001	Repealed effective 10/1/1991	
Permits (single trips)	Requirements				<a href="#">2D.0602 (c)</a>	2002-0801		
Permits (snow removal)	Exception for trucks supporting snow plows and motor graders; requirements		-	<a href="#">20-116 (p)</a>		2015-0286		
Permits (solicitation of contributions)	Authority to solicit contributions by religious, non-profit charitable, and educational organizations; clarifications, restrictions, prohibitions				2E.0801	1993-1201		
Permits (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; permits, process, requirements				2E.0802	2012-1201		
Permits (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; requirements, limitations, prohibitions				2E.0803	2012-1201		
Permits (solicitation of contributions)	Revocations, appeals, process				2E.0804	1993-1201		
Permits (special conditions)	<b>REPEALED:</b> Special conditions				<a href="#">2D.0636</a>	1991-1001	Repealed effective 10/1/1991	

Permits (special limitations)	<b>REPEALED:</b> Special permit limitations				<a href="#">2D.0637</a>	1991-1001	Repealed effective 10/1/1991	
Permits (speed limits)	<b>REPEALED:</b> Speed limits				<a href="#">2D.0625</a>	1991-1001	Repealed effective 10/1/1991	
Permits (speed limits)	Speeding penalties for vehicles carrying loads subject to permit requirements		-	<a href="#">20-141 (j3)</a>		2013-0360		
Permits (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Permits (State highway system)	NCDOT requirement to develop and implement an express review program for permits, approvals, or certifications for connections to the State highway system (driveways, streets, signals, drainage, and any other encroachment); procedure, staffing; fees		-	<a href="#">136-93.1</a>		2011-0145		
Permits (steel coils)	One, two, or three steel coils, transported on the same vehicle, shall be considered a nondivisible load for purposes of permit issuance		-	<a href="#">20-119 (i)</a>		2017-0097		
Permits (structures)	NCDOT authority to issue permits to place, change, or remove structures on the State highway system; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Permits (superloads)	Requirements				<a href="#">2D.0602 (e)</a>	2002-0801		
Permits (superloads)	Requirements, exceptions				<a href="#">2D.0601</a>	2019-0701		
Permits (temporary authorization)	<b>EXPIRED:</b> Temporary authorization for issuance of permits				<a href="#">2D.0642</a>	2001-0812	Expired effective 8/12/2001	
Permits (time limit)	<b>REPEALED:</b> Time limit				<a href="#">2D.0611</a>	1991-1001	Repealed effective 10/1/1991	
Permits (time)	<b>REPEALED:</b> Time of move				<a href="#">2D.0624</a>	1991-1001	Repealed effective 10/1/1991	
Permits (towing unit)	<b>REPEALED:</b> Towing unit				<a href="#">2D.0629</a>	1991-1001	Repealed effective 10/1/1991	



Permits (truck widths)	NCDOT authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		<a href="#">49 USC 31113</a>	-	-	1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
Permits (truck widths)	<b>RECODIFIED:</b> NCDOT authority to grant special use permits to a commercial motor vehicle that is more than 102 inches in width		49 USC 2316	-	-	1984-1030	Recodified as 49 USC 31113 on 7/5/1994	
Permits (unusual circumstances)	<b>REPEALED:</b> Unusual circumstance				<a href="#">2D.0638</a>	1991-1001	Repealed effective 10/1/1991	
Permits (utilities)	NCDOT authority to issue permits to dig up the State highway system for the laying or placing of pipes, conduits, sewers, wires, or other objects; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Permits (vegetation)	Permits required to remove vegetation in the right-of-way, requirements, exceptions				<a href="#">2E.0601</a>	2015-0101		
Permits (vegetation)	<b>REPEALED:</b> Appeal to the Chief Engineer				2E.0605	1982-0602	Repealed effective 6/2/1982	
Permits (vegetation)	<b>REPEALED:</b> Exceptions to the policy				2E.0606	1993-1229	Repealed effective 12/29/1993	
Permits (vegetation)	<b>REPEALED:</b> Temporary moratorium				2E.0607	1993-1229	Repealed effective 12/29/1993	
Permits (vegetation)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		
Permits (vegetation)	Selective vegetation removal, conditions				2E.0604	2015-0101		
Permits (vegetation)	Selective vegetation removal, permits review, approvals and denials, time frames				2E.0603	2015-0101		
Permits (vegetation)	Selective vegetation removal, permits, beautification, replanting				2E.0611	2015-0101		
Permits (vehicles)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles		-	-	<a href="#">2D.0607</a>	2012-0801		

Permits (vehicles)	NCDOT authority to issue permits for the operation or movement of vehicles of excessive size or weight; restrictions; fees; violations; penalties; exceptions; transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet; safety and safety equipment; escort driver training and certification program; agricultural equipment and machinery; boats and boat trailers; steel coils		-	<a href="#">20-119</a>		2017-0097		
Permits (violations)	Revocations, suspensions, voids, violations, denials, appeals, hearings, decisions, process, time frames, detours, alternate routes				<a href="#">2D.0633</a>	2012-1201		
Permits (weather)	<b>REPEALED:</b> Weather				<a href="#">2D.0632</a>	1991-1001	Repealed effective 10/1/1991	
Permits (weight)	<b>REPEALED:</b> Weight				<a href="#">2D.0610</a>	1991-1001	Repealed effective 10/1/1991	
Permits (weights and dimensions)	<b>REPEALED:</b> Legal weights and dimensions				<a href="#">2D.0606</a>	1991-1001	Repealed effective 10/1/1991	
Personal Information (ferries)	Prohibition of release; exceptions		-	<a href="#">136-82 (g)</a>		2018-0136		
Personal Information (ferries)	Prohibition on release and use of certain personal information from State motor vehicle records		<a href="#">18 USC 2721</a>			2000-1023		
Personal Information (vehicle records)	Definitions		<a href="#">18 USC 2725</a>			2000-1023		
Personal Information (vehicle records)	Prohibition of release (vehicle records)			20-43.1		2016-0090		
Personal Information (vehicle records)	Prohibition on release and use of certain personal information from State motor vehicle records		<a href="#">18 USC 2721</a>			2000-1023		
Photographic Systems (traffic control)	Definition; requirements; standards; signs; enforcement; appeals; fines; yellow light change intervals; specified municipalities		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
Platoons (general)	NCDOT authority to allow platoons by traffic ordinance; definition of platoons		-	<a href="#">20-152 (c)</a>		2017-0169		<a href="#">TEPPL Topic H-11</a>

Primary Highways (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Primary Highways (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
Primary Highways (numbering)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Primary Highways (speed limits)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Primary Highways (State Traffic Engineer)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Public Records (confidentiality)	Confidential communications			132-1.1		2014-0117		
Public Records (confidentiality)	Confidential information, trade secrets			132-1.2		2019-0156		
Public Records (definitions)	Definitions (trade secrets, persons, misappropriation)			66-152		1981-0890		
Public Records (destruction)	Destruction (methods)					1989-0601	07 NCAC 04M.0510	
Public Records (destruction)	Destruction (regulations)			132-3		2015-0241		<a href="#">State Archives of North Carolina</a>
Public Records (exceptions)	Exceptions (proposed expansion or location of specific business or industrial projects)			132-6 (d)		2017-0010		
Public Records (general)	Definitions, ownership, copies, cost			132-1		1995-0388		<a href="#">TEPPL Topic P-24</a>
Public Records (inspections)	Inspection, examination, copies			132-6		2017-0010		<a href="#">TEPPL Topic P-24</a>
Public Records (trade secrets)	Trade secrets, misappropriation			66-153		1981-0890		
Public Records (traffic census)	Traffic census (relative use, cost, value, importance, and necessity of roads)			<a href="#">136-18 (6)</a>		2019-0199		

Public Vehicular Areas (definition)	(PVA) Any area that meets one or more of the following requirements: is used by the public for vehicular traffic at any time, is a beach area used by the public for vehicular traffic, is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, and/or is a portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4			20-4.01 (32)		2021-0033		<a href="#">TEPPL Topic P-25</a>
Public Vehicular Areas (general)	Definition			20-4.01 (32)		2021-0033		
Public Vehicular Areas (general)	Designation, registration with NCDOT, signs, registry, fees			20-219.4		2001-0441		
Public Vehicular Areas (general)	PVAs, agreements, terminations, modifications				2E.1205	2004-0801		
Public Vehicular Areas (general)	PVAs, applications, fees, process				2E.1203	2004-0801		
Public Vehicular Areas (general)	PVAs, definitions				2E.1202	2004-0801		<a href="#">TEPPL Topic P-25</a>
Public Vehicular Areas (general)	PVAs, purpose				2E.1201	2004-0801		<a href="#">TEPPL Topic P-25</a>
Public Vehicular Areas (signs)	PVAs, requirements				2E.1204	2004-0801		<a href="#">TEPPL Topic P-25</a>
Public Vehicular Areas (traffic control)	Requirement for all signs and traffic control devices conform to the Uniform Manual; exception for signs designating parking spaces for handicapped persons		-	<a href="#">136-30 (c)</a>		1993-0051		<a href="#">TEPPL Topic H-01</a>
Public Vehicular Areas (traffic control)	Requirement for all signs and traffic control devices conform to the Uniform Manual; exception for signs designating parking spaces for handicapped persons		-	<a href="#">136-30 (c)</a>		1993-0051		-
Public Worship Roads (obstructions)	Prohibition; violations; penalties			<a href="#">136-90</a>		1994-0024es		
Public-Private Partnerships (contracts)	Development of public or private facilities (definitions, requirements, advertisements, public hearings, selection, bonds, leases and other agreements, restrictions)			143-128.1C		2021-0058		

Public-Private Partnerships (contracts)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (l)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Public-Private Partnerships (contracts)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Public-Private Partnerships (littering)	NCDOT may contract for litter removal, process, sponsors, signs, guidelines, rules, policies			136-28.1 (l)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Public-Private Partnerships (rest areas)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Pull Off Areas	General		-	<a href="#">136-18.4</a>		1994-0024es		<a href="#">TEPPL Topic S-27</a>
Quick Clearance Law	NCDOT authority, with the concurrence of law enforcement, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic Q-01</a>
Quick Clearance Law	NCDOT authority, with the concurrence of law enforcement, to immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard		-	<a href="#">20-161 (f)</a>		2015-0231		<a href="#">TEPPL Topic V-03</a>
Racing (bicycles)	Racing on highways prohibited; exceptions; requirements			<a href="#">20-171.2</a>		1977-1123		
Radiation Protection Commission (spent nuclear fuel)	Authority to adopt, promulgate, amend, and repeal rules and regulations regarding the transportation of spent nuclear fuel		-	<a href="#">20-167.1 (c)</a>		1994-0024es		

Railroad Crossings (signals)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Railroads (barriers)	Prohibition for vehicles and pedestrians to circumnavigate crossing gates and barriers			<a href="#">20-142.1 (b)</a>		2019-0036		
Railroads (cattle guards)	Railroad companies required to construct and maintain cattle guards on enclosed lands and crossings to private roads, violations			136-194		1998-0128		
Railroads (closures)	Proposals, requirements, process				<a href="#">2B.0155 (c)</a>	1993-1001		
Railroads (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.1 (e)</a>		2019-0036		
Railroads (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.3 (f)</a>		2019-0036		
Railroads (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.4 (g)</a>		2019-0036		
Railroads (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			20-142.5		2019-0036		
Railroads (commercial vehicles)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings; penalties			<a href="#">20-142.2</a>		2005-0349		
Railroads (common lines)	Whenever railroads shall embrace the same location of line, they may by agreement provide for the construction of said line as is common to both of them			136-193		1998-0128		

Railroads (crossings)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers			<a href="#">20-142.2</a>		2005-0349		
Railroads (crossings)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		
Railroads (crossings)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Railroads (crossings)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Railroads (crossings)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		
Railroads (crossings)	NCDOT required to pay for changes in track elevation if crossing grade changes due to road work; exceptions				<a href="#">2B.0157</a>	1993-1001		
Railroads (crossings)	New crossings, approvals, considerations, requirements, costs, notices				2B.0153	1993-1201		
Railroads (crossings)	Obstructions, construction, repairs			<a href="#">136-192</a>		1998-0128	Recodified from 62-224	
Railroads (crossings)	Prohibition against drivers entering railroad crossings without sufficient space to accommodate their vehicle; penalties; commercial motor vehicle employers			20-142.5		2019-0036		
Railroads (crossings)	Prohibition against operating or moving any crawler-type tractor, crane, or roller or any equipment or structure upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Railroads (crossings)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.1 (e)</a>		2019-0036		

Railroads (crossings)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.3 (f)</a>		2019-0036		
Railroads (crossings)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.4 (g)</a>		2019-0036		
Railroads (crossings)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			20-142.5		2019-0036		
Railroads (crossings)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings; penalties			<a href="#">20-142.2</a>		2005-0349		
Railroads (crossings)	Railroad companies required to construct and maintain cattle guards on enclosed lands and crossings to private roads, violations			136-194		1998-0128		
Railroads (crossings)	Railroads required to pay for changes in road elevation if crossing grade changes due to track work; requirements				<a href="#">2B.0158</a>	1993-1001		
Railroads (crossings)	<b>RECODIFIED:</b> Obstructions, construction, repairs		-	<a href="#">62-224</a>	-	1998-0128	Recodified as 136-192	
Railroads (crossings)	<b>REPEALED:</b> Stopping			<a href="#">20-143</a>		1991-0368	Repealed effective 10/1/1991	
Railroads (crossings)	<b>REPEALED:</b> Stopping			<a href="#">20-143.1</a>		1991-0368	Repealed effective 10/1/1991	
Railroads (crossings)	Requirement for drivers of certain vehicles to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		



Railroads (crossings)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching; prohibition to circumnavigate crossing gates and barriers; pedestrians; penalties; commercial motor vehicle employers		-	<a href="#">20-142.1</a>		2019-0036		
Railroads (crossings)	Requirements and restrictions on overtaking and passing		-	<a href="#">20-150 (c)</a>		2016-0090		
Railroads (crossings)	Safety and unreasonable interference (at-grade, underpasses, overpasses); safety devices; construction		-	<a href="#">136-20</a>		1994-0024es		
Railroads (crossings)	Separations, requirements, costs, widenings				<a href="#">2B.0154</a>	1978-0701		
Railroads (crossings)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Railroads (definitions)	Crossings, grades, separations, tracks, etc.				<a href="#">2B.0150</a>	2012-1201		
Railroads (eminent domain)	Highways or turnpikes may be carried under or over railroads where they cross, lines, eminent domain, ownership		-	136-191		1998-0128		
Railroads (gates)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Railroads (gates)	Prohibition for vehicles and pedestrians to circumnavigate crossing gates and barriers			<a href="#">20-142.1 (b)</a>		2019-0036		
Railroads (gates)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching			<a href="#">20-142.1 (a)</a>		2019-0036		
Railroads (grade crossings)	Construction or maintenance of State highway system causing it to intersect a railroad at-grade, responsibilities, requirements, closures				<a href="#">2B.0155</a>	1993-1001		<a href="#">TEPPL Topic R-06</a>

Railroads (grade crossings)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Railroads (grade crossings)	NCDOT authority to regulate, abandon, close			<a href="#">136-18 (11)</a>		2019-0199		
Railroads (municipal assessments)	Municipal authority to require property owners, including railroads, to pay a portion of maintenance costs			<a href="#">136-27</a>		1977-0464		
Railroads (name signs)	<b>EXPIRED:</b> Railroad name signs on overpasses				<a href="#">2B.0218</a>	2016-1001	Expired effective 10/1/2016	
Railroads (neighborhood public roads)	No authorization to reopen grade crossings		-	<a href="#">136-67</a>		1997-0443		
Railroads (pedestrians)	Prohibition for pedestrians to circumnavigate gates and barriers at railroad crossings			<a href="#">20-142.1 (b)</a>		2019-0036		
Railroads (resurfacing)	NCDOT required to pave railroad track crossings during surfacing and resurfacing if requested by railroads				<a href="#">2B.0156</a>	1993-1001		
Railroads (signals)	<b>REPEALED:</b> Signalization of existing railroad grade crossings				<a href="#">2B.0152</a>	2019-0601	Repealed effective 6/1/2019	<a href="#">TEPPL Topic R-05</a>
Railroads (signals)	<b>REPEALED:</b> Signs and signals at railroad grade crossings				2B.0151	1993-1101	Repealed effective 11/1/1993	<a href="#">TEPPL Topic R-05</a>
Railroads (signals)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching		-	<a href="#">20-142.1 (a)</a>		2019-0036		
Railroads (signs)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Railroads (signs)	<b>REPEALED:</b> Signs and signals at railroad grade crossings				2B.0151	1993-1101	Repealed effective 11/1/1993	<a href="#">TEPPL Topic R-05</a>
Railroads (signs)	Signs with "Exempt" legend may be posted at railroad crossings if State or local authorities have determined that trains are not operating during certain periods or seasons of the year			<a href="#">20-142.4 (e)</a>		2019-0036		

Railroads (structures)	Separations, requirements, costs, widenings				<a href="#">2B.0154</a>	1978-0701		
Railways (definitions)	Crossings, grades, separations, tracks, etc.				<a href="#">2B.0150</a>	2012-1201		
Railways (easements)	Special proceedings for establishment, alteration or discontinuance; petitions; appeals			136-68		1995-0513		
Railways (property access)	Alterations, changes, or abandonments			136-70		1995-0513		
Railways (property access)	Cultivation, timber removal, quarries, mines, minerals, manufacturing plants, cemeteries; procedures			136-69		2019-0215		
Railways (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Railways (State highway system)	Prohibited; exceptions; permits; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Regulations (airports)	NCDOT authority to preserve safe clearances between highways and airways (airport and aircraft landing area construction and alterations)			<a href="#">136-18 (22)</a>		2019-0199		
Regulations (commercial enterprises)	NCDOT authority to issue rules and regulations regarding materials displayed at welcome centers; NCDOT requirement to regulate vending machines and items dispensed		-	<a href="#">136-89.56</a>		2015-0239		
Regulations (garbage collection)	NCDOT authority to promulgate rules and regulations for the location of containers in the right-of-way		-	<a href="#">136-18.3</a>		2012-0085		
Regulations (municipalities, inside)	NCDOT authority to adopt rules and regulations to carry out its responsibilities over the State highway system within municipalities			136-66.4		1977-0464		
Regulations (NCDOT)	Authority for utilities, wireless facilities, fences, obstructions)		-	<a href="#">136-18 (10)</a>		2019-0199		
Regulations (NCDOT)	State highways (use of, police traffic on, prevent abuse, enforcement, violations, conflicts)		-	<a href="#">136-18 (5)</a>		2019-0199		
Regulations (signs)	NCDOT authority for rules and regulations regarding refreshment signs		-	<a href="#">136-89.59 (5)</a>		2012-0085		

Regulations (STAA reasonable access)	NCDOT authority to promulgate rules and regulations		-	<a href="#">20-115.1 (f)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
Regulations (utilities)	NCDOT authority for regulations for sewer work done in, along, or across the State highway system		-	<a href="#">162A-74</a>		1977-0464		
Rest Areas (approval for use)	<b>REPEALED:</b> Approval for use of rest areas and welcome centers				2D.0413	1986-0801	Repealed effective 8/1/1986	
Rest Areas (authority)	<b>REPEALED:</b> Authority for rest areas and welcome centers				2D.0412	1986-0801	Repealed effective 8/1/1986	
Rest Areas (commercial enterprises)	NCDOT requirement to regulate vending machines and items dispensed		-	<a href="#">136-89.56</a>		2015-0239		
Rest Areas (contracts)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Rest Areas (contracts)	The construction, maintenance, and repair of the highway rest area buildings and facilities deemed highway construction, maintenance, or repair			136-28.1 (d)		2018-0005		
Rest Areas (general)	Definition		-	<a href="#">136-128 (5)</a>		2000-0101		<a href="#">Rest Areas</a>
Rest Areas (newspaper distributions)	Compliance with the Division of Services to the Blind, Department of Human Resources				2E.0906	1991-1001		
Rest Areas (newspaper distributions)	Distribution of newspapers, Division of Services to the Blind, Department of Human Resources, prohibitions				2E.0901	1991-1001		
Rest Areas (newspaper distributions)	Distribution of newspapers, permits, indemnification				2E.0903	1991-1001		
Rest Areas (newspaper distributions)	Distribution of newspapers, permits, process, requirements, nonconformance, noncompliance				2E.0902	1991-1001		
Rest Areas (newspaper distributions)	Location, installation, and maintenance of dispensers				2E.0904	1991-1001		
Rest Areas (newspaper distributions)	Violations, non-compliance, process, appeals				2E.0905	1993-1201		
Rest Areas (prohibitions)	Camping, excessive noise, solicitation, material distribution, commercial activities, loud speakers, and use of alcohol are prohibited at rest areas, scenic service overlooks, parking areas; exceptions				<a href="#">2E.0407</a>	1991-1001		

Rest Areas (public-private partnerships)	NCDOT may contract for participation at rest areas, process, sponsors, acknowledgments, revenues, guidelines, rules, policies			136-28.1 (m)		2018-0005		<a href="#">TEPPL Topic S-85</a>
Rest Areas (refreshments)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on control-access facilities; conditions; permits; violations; advertising; signs; rules and regulations		-	<a href="#">136-89.59</a>		2012-0085		
Rest Areas (solicitation of contributions)	Authority to solicit contributions by religious, non-profit charitable, and educational organizations; clarifications, restrictions, prohibitions				2E.0801	1993-1201		
Rest Areas (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; permits, process, requirements				2E.0802	2012-1201		
Rest Areas (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; requirements, limitations, prohibitions				2E.0803	2012-1201		
Rest Areas (solicitation of contributions)	Revocations, appeals, process				2E.0804	1993-1201		
Right-of-Way (access roads)	Access road improvements to industrial facilities or manufacturing projects, considerations, additions constructed by others				<a href="#">2C.0110</a>	1993-1229		
Right-of-Way (acquisition)	NCDOT authority (Board resolution under the power of eminent domain)			<a href="#">136-18 (16)</a>		2019-0199		
Right-of-Way (acquisition)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Right-of-Way (advertising)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Right-of-Way (advertising)	Prohibitions for interstate and primary highway systems; exceptions			<a href="#">136-129.1</a>		1999-0404		

Right-of-Way (archaeological objects)	NCDOT authority to expend funds for the recording and preservation of archaeological objects; requirement to consult with NCDNCR; authority to contract with NCDNCR		-	<a href="#">136-42.1</a>		2015-0241		
Right-of-Way (blind pedestrians)	Blind or partially blind pedestrians with a white cane or guide dog shall have the right-of-way when crossing where traffic is not regulated by officers or signals, and have the right-of-way to complete a crossing where traffic is controlled by signals		-	<a href="#">20-175.2</a>		1949-0324		
Right-of-Way (buildings/structures)	NCDOT authority to acquire buildings and structures		-	<a href="#">136-19.3</a>		2009-0266		
Right-of-Way (canals)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Right-of-Way (Chief Engineer powers)	Authority to allow persons to erect fences within the right-of-way, requirements				<a href="#">2E.0418</a>	2012-1201		
Right-of-Way (Chief Engineer powers)	Authority to allow persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, requirements				<a href="#">2E.0419</a>	2012-1201		
Right-of-Way (collaboration improvement)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Right-of-Way (commercial enterprises)	Prohibitions, exceptions, offenses		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Right-of-Way (condemnation)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties					2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	

Right-of-Way (controlled access)	NCDOT authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		<a href="#">TEPPL Topic A-02</a>
Right-of-Way (crosswalks)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		<a href="#">TEPPL Topic C-36</a>
Right-of-Way (drainage)	NCDOT authority to construct and maintain canals for drainage in both the right-of-way and across the lands of other landowners			<a href="#">136-21</a>		2015-0241		
Right-of-Way (drainage)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Right-of-Way (drilling/boring)	Filing record of results, written authorization, public record		-	<a href="#">136-102.2</a>		2009-0266		
Right-of-Way (driveways)	Unlawful to revise or construct any commercial entrance with the right-of-way of the State highway system, exceptions				<a href="#">2E.0417</a>	1993-1101		
Right-of-Way (emergency landing fields)	NCDOT authority to acquire (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Right-of-Way (federal parkways)	NCDOT authority to acquire			<a href="#">136-19 (g)</a>		2009-0266		
Right-of-Way (fences)	Unlawful for persons or firms to construct, place, or erect fences in the right-of-way of the State highway system, exceptions			-	<a href="#">2E.0420</a>	2012-1201		
Right-of-Way (fences)	Unlawful for persons to erect fences within the right-of-way, exceptions				<a href="#">2E.0418</a>	2012-1201		
Right-of-Way (flight strips)	NCDOT authority to acquire (aircraft)		-	<a href="#">136-18 (18)</a>		2019-0199		
Right-of-Way (garbage collection container sites)	Garbage collection container sites in State highway right-of-way, requirements, process, guidelines, compliance		-	-	<a href="#">2D.0414</a>	2013-0301		

Right-of-Way (garbage collection)	NCDOT authority to issue and revoke permits, promulgate rules and regulations for the location thereof, and removal of unauthorized or illegal containers	-	<a href="#">136-18.3</a>		2012-0085		
Right-of-Way (gates)	Prohibition for persons, firms or corporations to erect, maintain or operate any gate which, when opened, will project over the right-of-way; penalty	-	<a href="#">136-94</a>		1994-0024es		
Right-of-Way (general)	NCDOT authority	-	<a href="#">136-18 (2)</a>		2019-0199		
Right-of-Way (historical markers)	<b>EXPIRED:</b> Placement of historical markers in the right-of-way			<a href="#">2B.0241</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic H-38</a>
Right-of-Way (impacted persons and entities)	NCDOT shall study and report on right-of-way acquisition and condemnation procedures to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties				2021-1118	<a href="#">Session Law 2021-185, Section 1</a>	
Right-of-Way (intersections)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles		<a href="#">20-155</a>		1973-1330		
Right-of-Way (junkyards)	Location (enforcement)	-	<a href="#">136-145</a>		1994-0024		
Right-of-Way (junkyards)	Location (restrictions, exceptions)	-	<a href="#">136-144</a>		1993-0493		
Right-of-Way (junkyards)	Permits, fees	-	<a href="#">136-149</a>		1993-0493		<a href="#">TEPPL Topic I-01</a>
Right-of-Way (junkyards)	Screening (right-of-way)	-	<a href="#">136-147</a>		1993-0493		<a href="#">TEPPL Topic I-01</a>
Right-of-Way (landfill roads)	County landfill roads, financing, construction, improvements, right-of-way, process, requirements			<a href="#">2C.0111</a>	1993-1229		
Right-of-Way (material deposits)	NCDOT authority to acquire		<a href="#">136-19 (a)</a>		2009-0266		
Right-of-Way (material deposits)	NCDOT authority to condemn		<a href="#">136-19 (f)</a>		2009-0266		
Right-of-Way (material deposits)	Road materials (material deposits)	-	<a href="#">136-18 (3)</a>		2019-0199		
Right-of-Way (misleading signs)	Prohibition of warning or direction signs or markers of the same shape, design, color and size of any official highway sign or marker within 100 feet of any highway right-of-way	-	<a href="#">136-32.1</a>		1994-0024es		<a href="#">TEPPL Topic M-23</a>



Right-of-Way (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
Right-of-Way (nonutility communications)	NCDOT authority		-	<a href="#">136-18 (2) (c) (2)</a>		2019-0199		
Right-of-Way (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Right-of-Way (obstructions)	Unlawful for persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system, exceptions		-		<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic H-08</a>
Right-of-Way (parking)	Prohibition to stop, park, or leave standing on the right-of-way of interstates and controlled access roads; exceptions		-	<a href="#">20-140.3 (5)</a>		1999-0330		
Right-of-Way (pedestrians)	Pedestrians' right-of-way at crosswalks and on sidewalks and walkways; marked and unmarked crosswalks; overtaking and passing other vehicles at crosswalks; vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173</a>		1973-1330		
Right-of-Way (pedestrians)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Right-of-Way (pedestrians)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		
Right-of-Way (permits)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Right-of-Way (plans)	Registration of plans; fees		-	<a href="#">136-19.4</a>		2001-0390		
Right-of-Way (plants)	Acceptable trees, shrubs, vines, grasses, and legumes		-	<a href="#">136-18 (9)</a>		2019-0199		
Right-of-Way (plants)	Maintaining stability and aesthetics		-	<a href="#">136-18 (9)</a>		2019-0199		

Right-of-Way (plants)	Native plants (classification, strong preference for using)		-	<a href="#">136-18 (9)</a>	-	2019-0199		
Right-of-Way (political signs)	Prescribed period, placement, removal		-	<a href="#">136-32 (b)</a>		2019-0119		<a href="#">TEPPL Topic I-01</a>
Right-of-Way (pull off areas)	Required on long sections of two-lane primary highways having a steep uphill grade or numerous curves		-	<a href="#">136-18.4</a>		1994-0024es		<a href="#">TEPPL Topic S-27</a>
Right-of-Way (secondary road additions)	Requirements, county roads, subdivision streets, cost of improvement				<a href="#">2C.0103</a>	1993-1229		
Right-of-Way (secondary roads)	Acquisition for construction, paving, or other improvements (county commissioner requests)			<a href="#">136-18 (26)</a>		2019-0199		
Right-of-Way (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Right-of-Way (secondary roads)	Minimum standards				<a href="#">2C.0102</a>	1993-1229		
Right-of-Way (selling)	Unlawful to sell items from any place on the right-of-way of the State highway system		-	-	<a href="#">2E.0414</a>	1978-0701		
Right-of-Way (signs)	NCDOT authority for all signs			<a href="#">136-30 (a)</a>		1993-0051		
Right-of-Way (signs)	Unlawful for persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system, exceptions			-	<a href="#">2E.0420</a>	2012-1201		
Right-of-Way (signs)	Unlawful to erect, place, or allow signs not approved by NCDOT in, or over, the right-of-way			-	<a href="#">2E.0415</a>	1978-0701		<a href="#">TEPPL Topic B-27</a>
Right-of-Way (signs)	Used to indicate the location of fuel, gas, food, lodging, camping, and attraction facilities		-	<a href="#">136-89.56</a>		2015-0239		
Right-of-Way (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Right-of-Way (subdivision roads)	Construction plans, approvals, maintenance, acceptance, maps/plats, time frame		-	<a href="#">136-102.6 (d)</a>		2021-0121		
Right-of-Way (subdivision roads)	District Engineers (approvals of design, maps/plats, construction standards)		-	<a href="#">136-102.6 (c)</a>		2021-0121		

Right-of-Way (subdivisions roads)	Delineation, public or private designation			<a href="#">136-102.6 (b)</a>		2021-0121		
Right-of-Way (utilities)	NCDOT authority		-	<a href="#">136-18 (2) (c) (1)</a>		2019-0199		
Right-of-Way (utilities)	NCDOT authority to acquire (placement or relocation)			<a href="#">136-19 (e)</a>		2009-0266		
Right-of-Way (utilities)	Unlawful for persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system, exceptions		-		<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
Right-of-Way (vegetation)	Permits required to remove vegetation in the right-of-way, requirements, exceptions		-	-	<a href="#">2E.0601</a>	2015-0101		
Right-of-Way (vegetation)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Right-of-Way (vegetation)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		
Right-of-Way (vegetation)	Unlawful for persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, exceptions				<a href="#">2E.0419</a>	2012-1201		
Right-of-Way (vehicles)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles			<a href="#">20-155</a>		1973-1330		
Roads (access)	River roads, mountain developments, seasonal residences, requirements				<a href="#">2C.0109</a>	1978-0701		
Roads (annexations)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit		-	<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Roads (closures)	<b>REPEALED:</b> Applications for intermittent road closing				2D.0701	1993-1001	Repealed effective 10/1/1993	
Roads (closures)	Temporary closing of roads for special events					1985-0513		<a href="#">TEPPL Topic C-11</a>

Roads (closures)	Temporary closing of roads for special events					1985-0513		<a href="#">TEPPL Topic S-77</a>
Roads (controlled access)	NCDOT authority to lower or raise speed limits on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Roads (controlled access)	Prohibition to violate traffic control devices; prohibition to stop, park, or leave standing on the right-of-way; failing to yield; exceptions		-	<a href="#">20-140.3</a>		1999-0330		
Roads (curb and gutter)	Projects, costs, requirements, prohibited on unpaved roads				2D.0402	1993-1101		
Roads (curb ramps)	Guidelines				2D.0104	1993-1201		
Roads (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Roads (drainage)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
Roads (flooding)	Application procedure for intermittent road closing, requirements				<a href="#">2D.0704</a>	2012-1201		
Roads (flooding)	NCDOT required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
Roads (flooding)	Permit issuance, form, and process				2D.0707	2012-1201		
Roads (flooding)	Process for appealing the denial of an application for intermittent road closures				2D.0709	2012-1201		
Roads (flooding)	<b>REPEALED:</b> Public notice				2D.0706	1993-1001	Repealed effective 10/1/1993	
Roads (flooding)	Review procedures and requirements for completed applications, restrictions				2D.0705	2012-1201		
Roads (industrial facilities)	Access road improvements to industrial facilities or manufacturing projects, considerations, additions constructed by others				<a href="#">2C.0110</a>	1993-1229		
Roads (interstates)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		

Roads (interstates)	NCDOT authority to lower or raise speed limits on interstates; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Roads (interstates)	Prohibition to violate traffic control devices; prohibition to stop, park, or leave standing on the right-of-way; failing to yield; exceptions		-	<a href="#">20-140.3</a>		1999-0330		
Roads (landfills)	County landfill roads, financing, construction, improvements, right-of-way, process, requirements				<a href="#">2C.0111</a>	1993-1229		
Roads (light traffic)	NCDOT authority to abrogate exceptions; conditions; postings		-	<a href="#">20-118 (d)</a>		2018-0142		
Roads (light traffic)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Roads (light traffic)	NCDOT authority to establish; interstates and primary routes exempt; postings		-	<a href="#">20-118 (b) (4)</a>		2018-0142		
Roads (medians)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways		-	<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>
Roads (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Roads (primary highways)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Roads (restrictions)	<b>REPEALED:</b> Temporary road restrictions				2D.0409	1994-0101	Repealed effective 1/1/1994	
Roads (seasonal residences)	River roads, mountain developments, seasonal residences, requirements				<a href="#">2C.0109</a>	1978-0701		
Roads (secondary)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Roads (subdivisions)	Definitions				2C.0201	1993-1229		
Roads (vegetation)	Process for requesting planting on facilities without controlled access				<a href="#">2D.0424</a>	1993-1101		
Roadside (memorials)	Policy and information				-	2002-0205		<a href="#">TEPPL Topic R-37</a>

Roadways (curb and gutter)	Projects, costs, requirements, prohibited on unpaved roads				2D.0402	1993-1101		
Roadways (curb ramps)	Guidelines				2D.0104	1993-1201		
Roadways (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Roadways (general)	Definition			20-4.01 (38)		2021-0033		
Roadways (NCDOT powers)	Authority to approve intersecting the State highway system with private driveways and roadways, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		
Roadways (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
Roadways (one-way traffic)	Authority of NCDOT to designate and sign roadways for one-way traffic		-	<a href="#">20-165.1</a>		1977-0464		
Roadways (State highway system)	Unlawful to intersect the State highway system with private driveways or roadways, exceptions, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		
Roadways (vegetation)	Process for requesting planting on facilities without controlled access				<a href="#">2D.0424</a>	1993-1101		
Rules (administrative code)	Administrative rule making and adjudicatory procedures (Administrative Procedure Act, Office of Administrative Hearings)		-	<a href="#">150B</a>	-	2021-0138	Entire chapter	
Rules (airports)	NCDOT authority to preserve safe clearances between highways and airways (airport and aircraft landing area construction and alterations)			<a href="#">136-18 (22)</a>		2019-0199		
Rules (commercial enterprises)	NCDOT authority to issue rules and regulations regarding materials displayed at welcome centers		-	<a href="#">136-89.56</a>		2015-0239		
Rules (escort driver program)	NCDOT requirement to issue rules establishing an escort driver training and certification program		-	<a href="#">20-119 (f)</a>		2017-0097		<a href="#">TEPPL Topic E-13</a>
Rules (garbage collection)	NCDOT authority to promulgate rules and regulations for the location of containers in the right-of-way		-	<a href="#">136-18.3</a>		2012-0085		
Rules (general)	Authority, delegation, subdelegation, ordinances, primary highway numbers				4A.0104	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>

Rules (junkyards)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards				4A.0108	1993-1201		<a href="#">TEPPL Topic I-01</a>
Rules (municipalities, inside)	NCDOT authority to adopt rules and regulations to carry out its responsibilities over the State highway system within municipalities			136-66.4		1977-0464		
Rules (NCDMV)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules concerning the Division of Motor Vehicles				4A.0109	1993-1201		
Rules (NCDOT)	Authority (utilities, wireless facilities, fences, obstructions)		-	<a href="#">136-18 (10)</a>		2019-0199		
Rules (NCDOT)	Right-of-way (nonutility communications and data transmission infrastructure)		-	<a href="#">136-18 (2) (c) (2)</a>		2019-0199		
Rules (NCDOT)	State highways (use of, police traffic on, prevent abuse, enforcement, violations, conflicts)		-	<a href="#">136-18 (5)</a>		2019-0199		
Rules (outdoor advertising)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt rules to control and regulate outdoor advertising				4A.0107	1993-1201		<a href="#">TEPPL Topic I-01</a>
Rules (signs)	NCDOT authority for rules and regulations regarding refreshment signs		-	<a href="#">136-89.59 (5)</a>		2012-0085		
Rules (STAA reasonable access)	NCDOT authority to promulgate rules and regulations		-	<a href="#">20-115.1 (f)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
Rules (State Traffic Engineer)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (b)	1995-1201		
Rules (utilities)	NCDOT authority for rules for sewer work done in, along, or across the State highway system		-	<a href="#">162A-74</a>		1977-0464		
Rules of the Road (autocycles)	Shall not be operated more than one abreast in a single lane			<a href="#">20-146.1 (b)</a>		2015-0163		
Rules of the Road (crosswalks)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		

Rules of the Road (emergency vehicles)	Operators of vehicles shall pull over and stop when emergency vehicles (law enforcement, fire department, fire patrol, fire marshals, ambulances, rescue squads, civil preparedness coordinators, emergency management, Marine Fisheries, Parks and Recreation, and Forest Service) are approaching and traveling in the performances of their duties; specifications; exceptions; prohibitions; violations; penalties			<a href="#">20-157</a>		2019-0157		
Rules of the Road (emergency vehicles)	Vehicles shall move over or slow down when approaching emergency vehicles or public service vehicles giving warning signals ("Move Over or Reduce Speed Law")			<a href="#">20-157 (f)</a>		2019-0157		<a href="#">TEPPL Topic E-11</a>
Rules of the Road (farm equipment)	Self-propelled grain combines or other self-propelled farm equipment shall be operated to the right of the centerline; exceptions			<a href="#">20-146 (a1)</a>		2015-0263		
Rules of the Road (following)	Following requirements; overtaking and passing; business and residential districts; funeral processions; platoons; exceptions		-	<a href="#">20-152</a>		2017-0169		<a href="#">TEPPL Topic N-12</a>
Rules of the Road (general)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		
Rules of the Road (general)	Vehicles proceeding in opposite directions shall pass each other to the right		-	<a href="#">20-148</a>		1937-0407		
Rules of the Road (general)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Rules of the Road (intersections)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Rules of the Road (intersections)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles			<a href="#">20-155</a>		1973-1330		
Rules of the Road (motorcycles)	Entitled to full use of a lane; allowed to operate two abreast in a single lane; excludes autocycles			<a href="#">20-146.1</a>		2015-0163		



Rules of the Road (one-way traffic)	Requirement to operate a vehicle in the direction indicated by signs if the roadway has been designated and signed by NCDOT for one-way traffic		-	<a href="#">20-165.1</a>		1977-0464		
Rules of the Road (overtaking)	Following requirements; overtaking and passing; business and residential districts; funeral processions; platoons; exceptions		-	<a href="#">20-152 (b)</a>		2017-0169		<a href="#">TEPPL Topic N-12</a>
Rules of the Road (overtaking)	Passing on the right permitted under certain conditions		-	<a href="#">20-150.1</a>		1953-0679		
Rules of the Road (overtaking)	Requirements, restrictions, railroad crossings, intersections, grades, curves, signs, markers, markings, exceptions		-	<a href="#">20-150</a>		2016-0090		
Rules of the Road (overtaking)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		
Rules of the Road (passing)	Following requirements; overtaking and passing; business and residential districts; funeral processions; platoons; exceptions		-	<a href="#">20-152 (b)</a>		2017-0169		<a href="#">TEPPL Topic N-12</a>
Rules of the Road (passing)	Passing on the right permitted under certain conditions		-	<a href="#">20-150.1</a>		1953-0679		
Rules of the Road (passing)	<b>REPEALED:</b> Overtaken driver to yield right of way		-	<a href="#">20-151</a>		1995-0283	Repealed effective 12/1/1995	
Rules of the Road (passing)	Requirements, restrictions, railroad crossings, intersections, grades, curves, signs, markers, markings, exceptions		-	<a href="#">20-150</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Rules of the Road (passing)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		<a href="#">TEPPL Topic I-12</a>
Rules of the Road (passing)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Rules of the Road (pavement markings)	Intersections, yielding, stop lines, marked crosswalks, violations, prohibitions, right-of-way, pedestrians, penalties		-	<a href="#">20-158</a>		2017-0102		
Rules of the Road (pedestrians)	Yielding requirements; exceptions			<a href="#">20-155 (c)</a>		1973-1330		

Rules of the Road (railroad crossings)	Vehicles shall travel on the right when crossing; exceptions		-	<a href="#">20-147</a>		1937-0407		
Rules of the Road (right turn on red)	Vehicles may make a right turn on a steady red circular light after coming to a complete stop; may be prohibited by an appropriate sign; yielding the right-of-way; pedestrians; violations; penalties		-	<a href="#">20-158 (b) (2)</a>		2017-0102		<a href="#">Ordinance Manual - Chapter 4</a>
Rules of the Road (right-of-way)	Yielding requirements; exceptions		-	<a href="#">20-156</a>		2015-0241		
Rules of the Road (signals)	Intersections, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops		-	<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic T-31</a>
Rules of the Road (signs)	Intersections, stop signs, yielding, violations, prohibitions, right-of-way, pedestrians, penalties		-	<a href="#">20-158</a>		2017-0102		
Rules of the Road (traffic circles)	Yielding requirements			<a href="#">20-155 (d)</a>		1973-1330		
Rules of the Road (vehicles)	Shall be driven in the right-hand lane or shall be driven as close as practicable to the right-hand curb or edge when proceeding at less than the legal maximum speed limit; exceptions			<a href="#">20-146 (b)</a>		2015-0263		
Rules of the Road (vehicles)	Shall be driven within a single lane; exception			<a href="#">20-146 (d) (1)</a>		2015-0263		
Rules of the Road (vehicles)	Shall be operated to the right of the centerline; exceptions			<a href="#">20-146</a>		2015-0263		
Rules of the Road (vehicles)	Shall not be driven in the center lane; exceptions			<a href="#">20-146 (d) (2)</a>		2015-0263		
Rules of the Road (vehicles)	Shall not be operated over and upon the inside lane next to the median of any dual-lane highway at a speed less than the posted speed limit when appropriate signs have been posted; exception			<a href="#">20-146 (e)</a>		2015-0263		
Rules of the Road (vehicles)	Shall not change lanes when prohibited by traffic-control devices			<a href="#">20-146 (d) (4)</a>		2015-0263		
Rules of the Road (vehicles)	Shall use designated lane(s) as specified and directed by traffic-control devices			<a href="#">20-146 (d) (3)</a>		2015-0263		<a href="#">TEPPL Topic T-39</a>

Rules of the Road (yielding)	Drivers of vehicles attempting to enter or cross main-traveled or through highways or streets shall first slow down and yield the right-of-way if signs are erected notifying drivers to yield the right-of-way; exceptions; violations		-	<a href="#">20-158.1</a>		1977-0464		
Rules of the Road (yielding)	Yielding requirements; exceptions			<a href="#">20-156</a>		2015-0241		
Rules of the Road (yielding)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles			<a href="#">20-155</a>		1973-1330		
Rumble Strips (bicycles)	Practice			-		2012-0305		<a href="#">TEPPL Topic R-44</a>
Rumble Strips (general)	Design and guidelines			-		2004-1025		<a href="#">TEPPL Topic R-39</a>
Rumble Strips (in-lane)	Standard drawings, in-lane, thermoplastic			-		2013-0000		<a href="#">TEPPL Topic R-45</a>
Rural Transportation Planning Organizations (RPOs)	NCDOT authority to form Rural Transportation Planning Organizations (RPOs); representation, membership, formation, ethics, and violations		-	<a href="#">136-211</a>		2018-0146		
Safety (closings)	NCDOT authority to close transportation infrastructure posing a danger to public safety; violations; exceptions		-	<a href="#">136-26</a>		2019-0084		
Safety (equipment)	Weight and size exemptions for firefighting equipment; conditions; requirements for safety equipment; definitions			20-118.4		2012-0078		
Safety (lights)	NCDOT or other properly constituted State or local authorities authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		<a href="#">TEPPL Topic L-09</a>
Safety (loads)	Parts and accessories necessary for safe operation; requirements for safety equipment on commercial motor vehicles; exceptions	<a href="#">49 CFR 393</a>	-	-		Various		
Safety (loads)	Requirements for safety equipment; exceptions		-	<a href="#">20-117</a>		2009-0376		
Safety (mud)	Vehicles with "dual wheels" or equipped with four-wheel drive are prohibited to track mud that creates a safety hazard onto paved portions of the State highway system				<a href="#">2E.0403</a>	1993-1101		

Safety (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Safety and Health (assistance)	Technical assistance (NCDOL)			95-255.1		1997-0443		
Safety and Health (committees)	Committees (establishment, requirements, experience rate modifier)			95-252		1991-0962		<a href="#">TEPPL Topic E-14</a>
Safety and Health (definitions)	Definition (experience rate modifier)			95-250		1991-0962		<a href="#">TEPPL Topic E-14</a>
Safety and Health (experience rate modifiers)	Experience rate modifier (confidential)			58-36-16		2012-0135		<a href="#">TEPPL Topic E-14</a>
Safety and Health (experience rate modifiers)	Experience rate modifier (insurance modifications)			58-36-1 (4)		2001-0423		<a href="#">TEPPL Topic E-14</a>
Safety and Health (penalties)	Penalties (NCDOL)			95-256		2006-0226		
Safety and Health (programs)	Program (establishment, requirements, experience rate modifier)			95-251		1991-0962		<a href="#">TEPPL Topic E-14</a>
Safety and Health (reporting)	Reporting (experience rate modifier)			95-255		1991-0962		<a href="#">TEPPL Topic E-14</a>
Safety and Health (rules)	Rules (programs, committees)			95-254		1991-0962		
Safety and Health (safety and health committees)	Requirement for employee safety and health committees					1993-0802	13 NCAC 07A.0601	
Safety Devices (closings)	NCDOT authority to erect and/or post barriers, obstructions, notices, warning signs, lights, lanterns at closed infrastructure; violations; exceptions	-		<a href="#">136-26</a>		2019-0084		
Safety Devices (railroads)	NCDOT authority to require installation and maintenance	-		<a href="#">136-20 (b)</a>		1994-0024es		
Safety Zones (general)	Definition			20-4.01 (39)		2021-0033		
Safety Zones (general)	Prohibition against driving vehicles through or over safety zones	-		<a href="#">20-160 (a)</a>		1973-1330		
Scenic Byways (designations)	Applications, requirements, Roadside Environmental Unit				2E.1006	1995-0301		
Scenic Byways (designations)	Criteria, requirements, preferences				2E.1004	1995-0301		
Scenic Byways (designations)	Process, approvals, denials, Roadside Environmental Unit, Board of Transportation				2E.1005	1995-0301		
Scenic Byways (general)	Definitions				2E.1001	1995-0301		
Scenic Byways (general)	Program overview, administration				2E.1003	1995-0301		

Scenic Byways (general)	Purpose				2E.1002	1995-0301		
Scenic Byways (removals)	Applications, requirements, process, Roadside Environmental Unit				2E.1008	1995-0301		
Scenic Byways (removals)	Applications, requirements, process, Roadside Environmental Unit, Board of Transportation				2E.1007	1995-0301		
Schools (blind)	NCDOT authority to design, construct, repair, and maintain paved streets and roads		-	<a href="#">136-18 (25)</a>		2019-0199		
Schools (deaf)	NCDOT authority to design, construct, repair, and maintain paved streets and roads		-	<a href="#">136-18 (25)</a>		2019-0199		
Schools (driveways)	The Board of Transportation shall pave a school bus drive and stabilize a school bus parking area at public schools.				2C.0114	1993-1229		
Schools (improvements)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
Schools (markings)	Standard signing and marking for school zones is the responsibility of NCDOT within municipalities on State highway system routes.				<a href="#">2B.0232</a>	1978-0701		<a href="#">TEPPL Topic S-05</a>
Schools (parking areas)	The Board of Transportation shall pave a school bus drive and stabilize a school bus parking area at public schools.				2C.0114	1993-1229		
Schools (signals)	Flasher requirements for lowered speed limits for areas adjacent to or near a school (if used)		-	<a href="#">20-141.1</a>		2011-0064		
Schools (signals)	NCDOT will install and maintain school flashers within municipalities on State highway system routes based on an investigation; requirements.				<a href="#">2B.0232</a>	1978-0701		
Schools (signs)	Signs requirements for lowered speed limits for areas adjacent to or near a school		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Schools (signs)	Standard signing and marking for school zones is the responsibility of NCDOT within municipalities on State highway system routes.				<a href="#">2B.0232</a>	1978-0701		<a href="#">TEPPL Topic S-05</a>

Schools (speed limits)	Authority for NCDOT and municipalities to lower speed limits by ordinance for areas adjacent to or near a school on their respective systems; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic H-11</a>
Schools (speed limits)	Authority for NCDOT and municipalities to lower speed limits by ordinance for areas adjacent to or near a school on their respective systems; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Schools (speed limits)	County and municipal authority to lower speed limits on school property; requests and consent; signs; penalties			<a href="#">20-141 (e1)</a>		2013-0360		
Schools (traffic impact analyses)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
Secondary Roads (improvements)	Requirements, exceptions				<a href="#">2C.0104</a>	1993-1229		
Secondary Roads (maintenance)	Requirements, exceptions				<a href="#">2C.0104</a>	1993-1229		
Secondary Roads (abandonment)	Board of Transportation requirement to consider requests from boards of county commissioners regarding changes or abandonments of secondary roads; Board of Transportation requirement to make such changes and abandonments if the public interest demands it; Board of Transportation requirement to provide notice to municipalities			<a href="#">136-63</a>		1993-0533		
Secondary Roads (abandonment)	<b>REPEALED:</b> Abandonment				2C.0107	1993-1229	Repealed effective 12/29/1993	
Secondary Roads (additions)	<b>EXPIRED:</b> Addition of roads, statement of policy				<a href="#">2C.0112</a>	2016-1001	Expired effective 10/1/2016	
Secondary Roads (additions)	Requirements, county roads, subdivision streets, right-of-way, utilities, erosion, sedimentation, pipe culverts, storm sewers, and appurtenances				<a href="#">2C.0103</a>	1993-1229		
Secondary Roads (additions)	Uniform statewide or regional standards and criteria		-	<a href="#">136-44.10</a>		1977-0464		

Secondary Roads (construction)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (drainage)	Minimum standards				<a href="#">2C.0102</a>	1993-1229		
Secondary Roads (eminent domain)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (financial)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (general)	Definitions				<a href="#">2C.0101</a>	1993-1229		
Secondary Roads (improvements)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (landfills)	County landfill roads, financing, construction, improvements, right-of-way, process, requirements				<a href="#">2C.0111</a>	1993-1229		
Secondary Roads (maintenance)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (minimum standards)	Right-of-way, travelway, unpaved roads, drainage				<a href="#">2C.0102</a>	1993-1229		
Secondary Roads (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Secondary Roads (NC routes)	NCDOT authority to establish NC routes, route numbers, requirements, restrictions				<a href="#">2B.0242</a>	1998-0801	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic N-08</a>
Secondary Roads (numbers)	Secondary road number guidance and requirements; NCDOT authority to add, modify, and delete secondary road numbers	-	-		<a href="#">2B.0304</a>	1993-0726	<a href="#">Division Engineer Letters</a>	
Secondary Roads (paving)	Priority ratings				<a href="#">2C.0106</a>	1993-1229		
Secondary Roads (paving)	Requirements, property owner participation				<a href="#">2C.0105</a>	1993-1229		
Secondary Roads (plan)	NCDOT requirement to consider citizen petitions concerning additions and improvements, and associated county recommendations; NCDOT requirement to report back to the board of county commissioners	-		<a href="#">136-62</a>		1977-0464		

Secondary Roads (policy)	<b>EXPIRED:</b> Addition of roads, statement of policy				<a href="#">2C.0112</a>	2016-1001	Expired effective 10/1/2016	
Secondary Roads (right-of-way)	County commissioner requests for construction, paving, or other improvements			<a href="#">136-18 (26)</a>		2019-0199		
Secondary Roads (right-of-way)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (right-of-way)	Minimum standards				<a href="#">2C.0102</a>	1993-1229		
Secondary Roads (safety)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		
Secondary Roads (structures)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		<a href="#">Roadway Design Manual</a>
Secondary Roads (subdivisions)	Definitions				<a href="#">2C.0101</a>	1993-1229		
Secondary roads (subdivisions)	Requirements, property owner participation				<a href="#">2C.0105</a>	1993-1229		
Secondary Roads (unpaved)	Minimum standards				<a href="#">2C.0102</a>	1993-1229		
Secondary Roads (unpaved)	Priority ratings for paving, considerations				<a href="#">2C.0106</a>	1993-1229		
Secretary of Transportation (contracts)	Authority to approve contracts and supplements exceeding \$50,000; authority to waive solicitations in emergency situations				2E.0702	2014-1001		
Secretary of Transportation (escort driver program)	Authority to affirm or set aside the revocation of an escort driver's certification				<a href="#">2D.0644 (f)</a>	2009-0401		<a href="#">TEPPL Topic E-13</a>
Secretary of Transportation (junkyards)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards				4A.0108	1993-1201		<a href="#">TEPPL Topic I-01</a>
Secretary of Transportation (NCDMV)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules concerning the Division of Motor Vehicles				4A.0109	1993-1201		



Secretary of Transportation (ordinances)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (a)	1995-1201		<a href="#">TEPPL Topic H-11</a>
Secretary of Transportation (ordinances)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (b)	1995-1201		<a href="#">TEPPL Topic H-11</a>
Secretary of Transportation (outdoor advertising)	The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt rules to control and regulate outdoor advertising				4A.0107	1993-1201		<a href="#">TEPPL Topic I-01</a>
Secretary of Transportation (permits)	Authority to determine the existence of an emergency event that could result in severe damage, injury, or loss of life or property		-	<a href="#">20-119 (a1)</a>		2017-0097		
Secretary of Transportation (powers)	Authority to waive bidding for contracts in emergencies, definition, requirements			136-28.1 (e)		2018-0005		
Secretary of Transportation (powers)	Junkyards (illegal, violations, removal of junk)		-	<a href="#">136-146</a>		1977-0464		<a href="#">TEPPL Topic I-01</a>
Secretary of Transportation (powers)	Junkyards (permits, fees, right-of-way)		-	<a href="#">136-149</a>		1993-0493		<a href="#">TEPPL Topic I-01</a>
Secretary of Transportation (primary highway numbers)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Secretary of Transportation (STAA reasonable access)	Authority to rule on appeals, decisions are final				<a href="#">2E.0426 (f)</a>	1993-1101		<a href="#">TEPPL Topic T-52</a>
Secretary of Transportation (work zone speeding penalty)	Requirement to ensure that work zones are only posted with penalty signs if, after an engineering review, the posting is necessary to ensure the safety of the traveling public due to a hazardous condition		-	<a href="#">20-141 (j2)</a>		2013-0360		<a href="#">TEPPL Topic W-25</a>
Secretary of Transportation Powers (ferries)	Authority to suspend tolls		-	<a href="#">136-82 (b2)</a>		2018-0136		

Secretary of Transportation Powers (NCTA)	Authority to supervise the North Carolina Turnpike Authority (NCTA)			136-89.182 (b)		2011-0145		
Secretary of Transportation Powers (NCTA)	Requirement to serve on the Authority Board of the NCTA			136-89.182 (c)		2011-0145		
Sedimentation (control)	Standards (land-disturbing activity)			<a href="#">113A-57</a>		2013-0413		
Sedimentation (control)	Title (Sedimentation Pollution Control Act of 1973)			113A-50		1973-0392		
Sedimentation (control)	Violations, damages, civil relief			113A-66		2002-0165		
Service Roads (abandonment)	NCDOT authority to vacate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Service Roads (acquisition)	Authority to acquire property for controlled access facilities and service or frontage roads, including rights of access, air, view, and light; easements; right-of-way		-	<a href="#">136-89.52</a>		1977-0464		
Service Roads (construction)	NCDOT authority to establish local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Service Roads (designation)	NCDOT authority to designate local service or frontage roads		-	<a href="#">136-89.55</a>		1977-0464		
Service Roads (maintenance)	NCDOT authority to maintain local service or frontage roads			<a href="#">136-89.55</a>		1977-0464		
Shoulders (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Shoulders (temporary peak traffic)	NCDOT authority to modify, upgrade, and designate shoulders of controlled access facilities as temporary travel lanes during peak traffic periods, markings, restrictions, emergency parking areas		-	<a href="#">20-146.2 (b)</a>		2012-0194		
Sidewalks (construction)	NCDOT shall replace sidewalks removed as part of widening projects, NCDOT shall evaluate the need for sidewalks in the planning stage of a project, requirements				2D.0406	1999-0501		
Sidewalks (general)	Prohibition against driving vehicles on a sidewalk or sidewalk area except at a driveway		-	<a href="#">20-160 (b)</a>		1973-1330		

Sidewalks (maintenance)	NCDOT shall replace sidewalks removed as part of widening projects, NCDOT shall evaluate the need for sidewalks in the planning stage of a project, requirements				2D.0406	1999-0501		
Sidewalks (municipal authority)	Municipal authority to expend its own funds to construct sidewalks on the State highway system		-	<a href="#">136-66.1 (4) (d)</a>		2005-0382		
Sidewalks (municipalities)	Municipalities are responsible for maintaining sidewalks				2D.0404 (b) (6)	1993-1101		
Sidewalks (pedestrians)	Pedestrians shall yield the right-of-way if crossing other than at intersection crosswalks or at a marked crosswalk between intersections; pedestrians required to use sidewalks when provided; pedestrians to walk on left facing, and yielding to, oncoming traffic		-	<a href="#">20-174</a>		1973-1330		
Sidewalks (right-of-way)	Pedestrians' right-of-way on sidewalks and walkways when vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173 (c)</a>		1973-1330		
Sidewalks (snow and ice)	NCDOT is not responsible for clearing sidewalks				2D.0404 (b) (8) (B)	1993-1101		
Signals (advertising)	Prohibition against painting, printing, placing, putting, or affixing, or causing to be painted, printed, placed, or affixed any business or commercial advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building or other object within the limits of a public highway; penalty			<a href="#">14-145</a>		1994-0024es		<a href="#">TEPPL Topic P-39</a>
Signals (closings)	NCDOT authority to erect lights and/or lanterns at closed infrastructure; violations; exceptions		-	<a href="#">136-26</a>		2019-0084		
Signals (commercial)	NCDOT authority to permit and remove; restrictions; exceptions		-	<a href="#">136-32 (a)</a>		2019-0119		
Signals (dark)	Signals without illumination due to a power outage or other malfunction shall be treated as an all way stop; exceptions		-	<a href="#">20-158 (b) (6)</a>		2017-0102		

Signals (equipment)	The difference in costs of equipment and material substitutions shall be paid by municipalities, requirements				<a href="#">2B.0229</a>	1978-0701		
Signals (fire stations)	Municipalities shall pay for special signal equipment used at or adjacent to fire stations, designs shall be approved by NCDOT				<a href="#">2B.0231</a>	1978-0701		
Signals (general)	Intersections, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops	-		<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic T-31</a>
Signals (general)	<b><u>REPEALED:</u></b> Specifications				2B.0204	1981-0403	Repealed effective 4/3/1981	
Signals (general)	<b><u>REPEALED:</u></b> Supplement				<a href="#">2B.0207</a>	1981-0403	Repealed effective 4/3/1981	
Signals (general)	<b><u>REPEALED:</u></b> Traffic signals - general				<a href="#">2B.0228</a>	1993-1001	Repealed effective 10/1/1993	
Signals (maintenance)	NCDOT is responsible for the cost of upgrading signals and flashers on the State highway system within municipalities and they shall become NCDOT property, exceptions				<a href="#">2B.0233</a>	1978-0701		
Signals (materials)	The difference in costs of equipment and material substitutions shall be paid by municipalities, requirements				<a href="#">2B.0229</a>	1978-0701		
Signals (pedestrian control)	General		-	<a href="#">20-172</a>		1987-0125		
Signals (pedestrian control)	Indication requirements ("WALK" and "DON'T WALK")		-	<a href="#">20-172 (b)</a>		1987-0125		
Signals (pedestrian)	<b><u>REPEALED:</u></b> Pedestrian actuated signals				2B.0230	1993-1001	Repealed effective 10/1/1993	
Signals (pedestrians)	NCDOT and municipal authority to erect or install "WALK" or "DON'T WALK" signals or devices; definitions		-	<a href="#">20-172</a>		1987-0125		
Signals (photographic systems)	Requirements for yellow light change intervals		-	<a href="#">160A-300.1 (c1)</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>

Signals (railroad crossings)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services				2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Signals (railroads)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching			<a href="#">20-142.1 (a)</a>		2019-0036		
Signals (ramp meters)	Displays (red, green, dark), violations, penalties		-	<a href="#">20-158 (c) (6)</a>		2017-0102		
Signals (right turn on red)	Vehicles may make a right turn on a steady red circular light after coming to a complete stop; may be prohibited by an appropriate sign; yielding the right-of-way; pedestrians; violations; penalties		-	<a href="#">20-158 (b) (2)</a>		2017-0102		<a href="#">Ordinance Manual - Chapter 4</a>
Signals (roads)	Aircraft (guidance, protection)			<a href="#">136-18 (14)</a>		2019-0199		
Signals (schools)	NCDOT will install and maintain school flashers within municipalities on State highway system routes based on an investigation; requirements.				<a href="#">2B.0232</a>	1978-0701		<a href="#">TEPPL Topic S-14</a>
Signals (speed limits)	Flasher requirements for lowered speed limits for areas adjacent to or near a school (if used)		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Signals (state parks)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
Signals (vehicles)	Starting, stopping or turning; violations; requirements; right-hand-drive vehicles		-	<a href="#">20-154</a>		2016-0090		
Signs (Adopt-A-Highway program)	Approval by NCDOT				2D.1006 (e)	1993-1101		<a href="#">Adopt-A-Highway Program</a>
Signs (advertising)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		

Signs (advertising)	Prohibition against painting, printing, placing, putting, or affixing, or causing to be painted, printed, placed, or affixed any business or commercial advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building or other object within the limits of a public highway; penalty			<a href="#">14-145</a>		1994-0024es		<a href="#">TEPPL Topic P-39</a>
Signs (agricultural tourism)	Requirements		-	<a href="#">106-22.5</a>		2014-0058		<a href="#">TEPPL Topic A-07</a>
Signs (airports)	Publicly owned airports; requirement for regulatory traffic signs to conform to the Uniform Manual; exemption for informational and directional signs		-	<a href="#">136-30 (e)</a>		1993-0051		<a href="#">TEPPL Topic A-08</a>
Signs (All America City)	<b>EXPIRED:</b> All America City signs				<a href="#">2B.0217</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic A-09</a>
Signs (annexations)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit		-	<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Signs (Blue Star Memorial Highway)	<b>EXPIRED:</b> Blue Star Memorial Highway signs				<a href="#">2B.0225</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic B-13</a>
Signs (Blue Star Memorial Highway)	<b>EXPIRED:</b> Blue Star Memorial Highway signs				<a href="#">2B.0225</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic B-14</a>
Signs (bridge load limits)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Signs (bridges)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
Signs (cattle crossing)	Requirement to erect signs giving adequate warning of the presence and crossing of cattle		-	<a href="#">136-33.1</a>		1977-0464		<a href="#">TEPPL Topic C-02</a>
Signs (Chief Engineer powers)	Authority to allow persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system				<a href="#">2E.0420</a>	2012-1201		

Signs (closings)	NCDOT authority to post notices and/or warning signs at closed infrastructure; violations; exceptions		-	<a href="#">136-26</a>		2019-0084		
Signs (commercial enterprises)	Used to indicate the location of fuel, gas, food, lodging, camping, and attraction facilities		-	<a href="#">136-89.56</a>		2015-0239	LOGO Signs (specific services)	<a href="#">TEPPL Topic L-12</a>
Signs (commercial)	NCDOT authority to permit and remove; restrictions; exceptions		-	<a href="#">136-32 (a)</a>		2019-0119		
Signs (Community Watch)	<b>EXPIRED:</b> Community Watch signs				<a href="#">2B.0227</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic C-19</a>
Signs (construction)	<b>REPEALED:</b> Signing		-	-	2B.0211	1993-1001	Repealed effective 10/1/1993	
Signs (construction)	Unlawful for persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
Signs (controlled access)	NCDOT authority to designate separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices			<a href="#">136-89.51</a>		1977-0464		
Signs (controlled access)	Used to indicate the location of fuel, gas, food, lodging, camping, and attraction facilities		-	<a href="#">136-89.56</a>		2015-0239	LOGO Signs (specific services)	<a href="#">TEPPL Topic L-12</a>
Signs (Correction Enterprises)	NCDOT shall give preference to purchasing articles, products, and commodities from Correction Enterprises manufactured or produced in the State prison system; exceptions; prices			<a href="#">148-134</a>		2021-0180		
Signs (damage)	Prohibition on damaging, removing, or possessing signs posted under the authority of the General Statutes (exceptions, violations, enforcement)		-	<a href="#">136-33</a>		1994-0024es		
Signs (Department of Agriculture)	Requirements		-	<a href="#">106-22.5</a>		2014-0058		
Signs (directional)	Allowed beyond 660 feet of the right-of-way of the interstate and primary highway systems			<a href="#">136-129.1 (1)</a>		1999-0404		
Signs (directional)	Definitions		-	<a href="#">136-140.7</a>		1977-0639		
Signs (directional)	Lighting				<a href="#">2E.0214 (c)</a>	2000-0801		

Signs (directional)	Limitations beyond 660 feet of the state right-of-way			<a href="#">136-129.1</a>		1999-0404		
Signs (directional)	Limitations within 660 feet of the state right-of-way			<a href="#">136-129</a>		1999-0404		
Signs (directional)	Message content				<a href="#">2E.0214 (e)</a>	2000-0801		
Signs (directional)	Permits				<a href="#">2E.0215</a>	2000-0801		
Signs (directional)	Permits, fees			<a href="#">136-133 (a)</a>		2011-0397		
Signs (directional)	Prohibitions				<a href="#">2E.0214 (a)</a>	2000-0801		
Signs (directional)	Removal (exemption procedures)			136-140.8		1977-0639		
Signs (directional)	Removal (exemptions)			136-140.6		1977-0639		
Signs (directional)	Requirements	-		<a href="#">106-22.5</a>		2014-0058		
Signs (directional)	Selection criteria				<a href="#">2E.0214 (f)</a>	2000-0801		
Signs (directional)	Size				<a href="#">2E.0214 (b)</a>	2000-0801		
Signs (directional)	Spacing				<a href="#">2E.0214 (d)</a>	2000-0801		
Signs (directional)	Standards				<a href="#">2E.0214</a>	2000-0801		
Signs (directional)	USDOT (definition of effective control)		<a href="#">23 USC 131 (c)</a>			2015-1204		
Signs (directional)	USDOT (removal exemption requirements)		<a href="#">23 USC 131 (o)</a>			2015-1204		
Signs (fire districts)	<b>EXPIRED:</b> Fire district signs				<a href="#">2B.0220</a>	2016-1001	Expired effective 10/1/2016	
Signs (fishing)	County and municipal regulations and requests on bridges	-		<a href="#">136-102.5</a>		1977-0464		<a href="#">TEPPL Topic F-11</a>
Signs (flooding)	NCDOT required to erect warning signs if a permit for flooding is approved and issued, applicant to reimburse NCDOT for associated costs				<a href="#">2D.0708</a>	1993-1001		
Signs (general)	Authority to permit and remove, commercial, political, placement, penalties for unlawful removal, within municipalities, restrictions, exceptions	-		<a href="#">136-32</a>		2019-0119		<a href="#">TEPPL Topic I-01</a>
Signs (general)	Definition of illegal	-		<a href="#">136-128 (1a)</a>		2000-0101		
Signs (general)	Definition of nonconforming	-		<a href="#">136-128 (2a)</a>		2000-0101		
Signs (general)	Intersections, stop signs, yielding, violations, prohibitions, right-of-way, pedestrians, penalties	-		<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic S-58</a>
Signs (general)	Intersections, stop signs, yielding, violations, prohibitions, right-of-way, pedestrians, penalties	-		<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic S-75</a>
Signs (general)	Outdoor advertising (definition)			<a href="#">136-128 (3)</a>		2000-0101		<a href="#">TEPPL Topic I-01</a>
Signs (general)	<b>REPEALED:</b> Miscellaneous	-		-	2B.0209	1993-1001	Repealed effective 10/1/1993	



Signs (general)	<b>REPEALED:</b> Special municipal		-	-	2B.0210	1993-1001	Repealed effective 10/1/1993	
Signs (general)	<b>REPEALED:</b> Supplement				2B.0205	1981-0403	Repealed effective 4/3/1981	
Signs (historical areas)	<b>REPEALED:</b> Signs for parks, historical areas, special tourist attractions, etc.				2B.0223	1993-1001	Repealed effective 10/1/1993	
Signs (informational)	Prohibited within the right-of-way of highway projects inside incorporated municipalities if funded in whole or in part with federal appropriations expended by NCDOT (unless approved by NCDOT)		-	<a href="#">136-18 (19)</a>		2019-0199		
Signs (intersections)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Signs (law enforcement)	<b>REPEALED:</b> Required on highways entering the state indicating that highways are patrolled by unmarked police vehicles		-	<a href="#">20-190.2</a>		2018-0074	Repealed effective 7/1/2018	
Signs (light traffic roads)	NCDOT authority to abrogate exceptions; conditions; postings		-	<a href="#">20-118 (d)</a>		2018-0142		
Signs (light traffic roads)	NCDOT authority to establish; interstates and primary routes exempt; postings		-	<a href="#">20-118 (b) (4)</a>		2018-0142		
Signs (LOGO)	Used to indicate the location of fuel, gas, food, lodging, camping, and attraction facilities		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
Signs (maintenance)	<b>REPEALED:</b> Signing		-	-	2B.0211	1993-1001	Repealed effective 10/1/1993	
Signs (misleading)	Prohibition of warning or direction signs or markers of the same shape, design, color and size of any official highway sign or marker within 100 feet of any highway right-of-way		-	<a href="#">136-32.1</a>		1994-0024es		<a href="#">TEPPL Topic M-23</a>
Signs (national guard)	<b>REPEALED:</b> National Guard armory and Air National Guard signs				<a href="#">2B.0222</a>	1993-1001	Repealed effective 10/1/1993	
Signs (one-way traffic)	Authority of NCDOT to designate and sign roadways for one-way traffic		-	<a href="#">20-165.1</a>		1977-0464		

Signs (outdoor advertising)	Controlled routes, sign requirements				<a href="#">2E.0203</a>	2000-0801		
Signs (outdoor advertising)	Limitations beyond 660 feet of the state right-of-way			<a href="#">136-129.1</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Limitations within 660 feet of the state right-of-way			<a href="#">136-129</a>		1999-0404		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Repair, maintenance, alteration				2E.0225	2000-0801		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Vegetation removal (permits)			136-133.1		2013-0413		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Vegetation removal (permits)			136-133.2		2011-0397		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Vegetation removal (permits, decisions)			136-133.3		2011-0397		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Vegetation removal (permits, penalties, denials)			136-133.5		2011-0397		<a href="#">TEPPL Topic I-01</a>
Signs (outdoor advertising)	Vegetation removal (permits, traffic control, damages, requirements, penalties)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
Signs (overpasses)	<b>EXPIRED:</b> Railroad name signs on overpasses				<a href="#">2B.0218</a>	2016-1001	Expired effective 10/1/2016	
Signs (overtaking)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Signs (parking)	Responsibility for the installation and maintenance of parking control signs on the state municipal system				<a href="#">2B.0212 (b)</a>	1993-1001		
Signs (parking)	Responsibility for the installation and maintenance of parking prohibition and control signs				<a href="#">2B.0212</a>	1993-1001		
Signs (parking)	Responsibility for the installation and maintenance of parking prohibition signs on the State highway system				<a href="#">2B.0212 (a)</a>	1993-1001		
Signs (parks)	<b>REPEALED:</b> Signs for parks, historical areas, special tourist attractions, etc.				2B.0223	1993-1001	Repealed effective 10/1/1993	
Signs (passing)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions	-		<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Signs (photographic systems)	Requirement for advance warning	-		<a href="#">160A-300.1 (b1)</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
Signs (political)	Prescribed period, placement, removal	-		<a href="#">136-32 (b)</a>		2019-0119		<a href="#">TEPPL Topic I-01</a>

Signs (possession)	Prohibition on damaging, removing, or possessing signs posted under the authority of the General Statutes (exceptions, violations, enforcement)	-	<a href="#">136-33</a>		1994-0024es		
Signs (public vehicular areas)	PVAs, requirements			2E.1204	2004-0801		
Signs (public vehicular areas)	Required when public vehicular areas (PVAs) are designated and registered with NCDOT		20-219.4		2001-0441		<a href="#">TEPPL Topic P-25</a>
Signs (pull off areas)	Required for pull off areas on long sections of two-lane primary highways having a steep uphill grade or numerous curves	-	<a href="#">136-18.4</a>		1994-0024es		<a href="#">TEPPL Topic S-27</a>
Signs (railroad crossings)	Authority to designate dangerous railroad crossings; signs; penalties; commercial motor vehicle employers		<a href="#">20-142.2</a>		2005-0349		
Signs (railroad crossings)	NCDOT authority to direct railroads to protect grade crossings with electric signals or other safety devices, requirements, discontinuance of services			2B.0243	1998-0801		<a href="#">TEPPL Topic R-05</a>
Signs (railroad crossings)	Signs with "Exempt" legend may be posted at railroad crossings if State or local authorities have determined that trains are not operating during certain periods or seasons of the year		<a href="#">20-142.4 (e)</a>		2019-0036		
Signs (railroad names)	<b>EXPIRED:</b> Railroad name signs on overpasses			<a href="#">2B.0218</a>	2016-1001	Expired effective 10/1/2016	
Signs (regulatory)	Prohibited within the right-of-way of highway projects inside incorporated municipalities if funded in whole or in part with federal appropriations expended by NCDOT (unless approved by NCDOT)	-	<a href="#">136-18 (19)</a>		2019-0199		
Signs (removal)	Prohibition on damaging, removing, or possessing signs posted under the authority of the General Statutes (exceptions, violations, enforcement)	-	<a href="#">136-33</a>		1994-0024es		
Signs (right turn on red)	Vehicles may make a right turn on a steady red circular light after coming to a complete stop; may be prohibited by an appropriate sign; yielding the right-of-way; pedestrians; violations; penalties	-	<a href="#">20-158 (b) (2)</a>		2017-0102		<a href="#">Ordinance Manual - Chapter 4</a>

Signs (right-of-way)	Unlawful to erect, place, or allow signs not approved by NCDOT in, or over, the right-of-way			-	<a href="#">2E.0415</a>	1978-0701		<a href="#">TEPPL Topic B-27</a>
Signs (rush hour traffic lanes)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Signs (schools)	Standard signing and marking for school zones is the responsibility of NCDOT within municipalities on State highway system routes.				<a href="#">2B.0232</a>	1978-0701		<a href="#">TEPPL Topic S-05</a>
Signs (service)	<b>EXPIRED:</b> General motorist service signs				<a href="#">2B.0221</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic G-01</a>
Signs (shopping centers)	<b>EXPIRED:</b> Shopping center signs				<a href="#">2B.0215</a>	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic S-17</a>
Signs (slower traffic keep right)	May be posted to prohibit vehicles from being operated over and upon the inside lane next to the median of any dual-lane highway at a speed less than the posted speed limit			<a href="#">20-146 (e)</a>		2015-0263		<a href="#">TEPPL Topic S-28</a>
Signs (special events)	<b>REPEALED:</b> Temporary signs for special events				2B.0226	1993-1001	Repealed effective 10/1/1993	<a href="#">TEPPL Topic S-77</a>
Signs (speed limits)	Minimum speed limits		-	<a href="#">20-141 (g)</a>		2013-0360		
Signs (speed limits)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Signs (speed limits)	Municipal authority to raise or lower speed limits on the municipal street system by ordinance; maximum; signs			<a href="#">20-141 (e)</a>		2013-0360		
Signs (speed limits)	Municipal authority to raise or lower speed limits on the State highway system with concurring ordinances from NCDOT; engineering and traffic investigations; exceptions; maximum; signs			<a href="#">20-141 (f)</a>		2013-0360		

Signs (speed limits)	NCDOT authority to lower or raise speed limits outside the corporate limits of a municipality, on interstates, and on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Signs (speed limits)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit		-	<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Signs (speed limits)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
Signs (speed limits)	<b>REPEALED:</b> Requirement to erect signs at least six hundred (600) feet in advance of reduced speed zones			<a href="#">136-33.2</a>		2007-0164	Repealed effective 7/1/2007	
Signs (speed limits)	Requirement to erect signs at least six hundred (600) feet in advance of reduced speed zones		-	<a href="#">136-33.2A</a>		2007-0164	Enacted effective 7/1/2007	
Signs (speed limits)	Signs requirements for lowered speed limits for areas adjacent to or near a school		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Signs (state parks)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
Signs (street names)	Responsibilities, requirements, approvals, maintenance, removal				<a href="#">2B.0216</a>	1993-1001		
Signs (structures)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
Signs (telephone)	<b>EXPIRED:</b> Telephone signs				<a href="#">2B.0224</a>	2016-1001	Expired effective 10/1/2016	
Signs (TODS)	<b>EXPIRED:</b> Appeal of decision		-	-	2E.1108	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	<b>EXPIRED:</b> Contracts with the Department		-	-	2E.1107	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>

Signs (TODS)	<b>EXPIRED:</b> Definitions		-	-	2E.1102	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	<b>EXPIRED:</b> Eligibility for program		-	-	2E.1104	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	Tourist-Oriented Directional Sign Program (definitions, limitations)		-	<a href="#">136-140.15</a>	-	2001-0383		<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	Tourist-oriented directional sign program, administration, locations, priority		-	-	2E.1103	2004-0801		<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	Tourist-oriented directional sign program, fees		-	-	2E.1106	2004-0801		<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	Tourist-oriented directional sign program, purpose, information, applications		-	-	2E.1101	2004-0801		<a href="#">TEPPL Topic T-08</a>
Signs (TODS)	Tourist-oriented directional sign program, requirements		-	-	2E.1105	2004-0801		<a href="#">TEPPL Topic T-08</a>
Signs (tourist attractions)	<b>REPEALED:</b> Signs for parks, historical areas, special tourist attractions, etc.				2B.0223	1993-1001	Repealed effective 10/1/1993	
Signs (traffic control)	Vegetation removal (outdoor advertising)			136-133.4		2011-0397		<a href="#">TEPPL Topic I-01</a>
Signs (truck routes)	NCDOT and municipalities are responsible for signing truck routes on their respective systems				<a href="#">2B.0213 (c)</a>	1993-1001		
Signs (truck routes)	NCDOT authority to designate and mark truck routes		-	<a href="#">20-141 (i)</a>		2013-0360		
Signs (turns)	NCDOT and municipal authority to modify turning methods at intersections through the use of buttons, markers, or other direction signs		-	<a href="#">20-153 (c)</a>		1997-0405		
Signs (utilities)	Allowed beyond 660 feet of the right-of-way of the interstate and primary highway systems			<a href="#">136-129.1 (1)</a>		1999-0404		
Signs (vehicle prohibitions)	Requirement to post signs if NCDOT or local authorities prohibit vehicles, or restrict the weights of vehicles, by ordinance on their respective highway systems due to climatic conditions		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>

Signs (warning)	Prohibited within the right-of-way of highway projects inside incorporated municipalities if funded in whole or in part with federal appropriations expended by NCDOT (unless approved by NCDOT)		-	<a href="#">136-18 (19)</a>		2019-0199		
Signs (weight restrictions)	Requirement to post signs if NCDOT or local authorities prohibit vehicles, or restrict the weights of vehicles, by ordinance on their respective highway systems due to climatic conditions		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>
Signs (work zone speeding penalty)	Definition; violations; penalties; signs; Secretary of Transportation requirements; engineering reviews		-	<a href="#">20-141 (j2)</a>		2013-0360		<a href="#">TEPPL Topic W-25</a>
Signs (yield)	NCDOT and municipal authority to designate main-traveled or through highways and streets on their respective highway systems by erecting signs at entrances notifying drivers of vehicles to yield the right-of-way; exceptions; violations		-	<a href="#">20-158.1</a>		1977-0464		
Speed Limits (annexations)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Speed Limits (bridges)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
Speed Limits (exemptions)	Not applicable to law enforcement, fire department (including fire patrol and fire marshals), ambulances, rescue squads, civil preparedness coordinators (emergency management), or vehicles operated by Marine Fisheries, Parks and Recreation, and Forest Service when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		

Speed Limits (general)	Reasonable, statutory, signs, interstates, controlled access, NCDOT authority, municipal authority, ordinances, school property, engineering and traffic investigations, concurrence, annexations, exceptions, truck routes, penalties, highway work zones, violations, commercial motor vehicles, prayer for judgement			<a href="#">20-141</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Speed Limits (general)	Reasonable, statutory, signs, interstates, controlled access, NCDOT authority, municipal authority, ordinances, school property, engineering and traffic investigations, concurrence, annexations, exceptions, truck routes, penalties, highway work zones, violations, commercial motor vehicles, prayer for judgement			<a href="#">20-141</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Speed Limits (general)	Reasonable, statutory, signs, interstates, controlled access, NCDOT authority, municipal authority, ordinances, school property, engineering and traffic investigations, concurrence, annexations, exceptions, truck routes, penalties, highway work zones, violations, commercial motor vehicles, prayer for judgement			<a href="#">20-141</a>		2013-0360		<a href="#">TEPPL Topic W-28</a>
Speed Limits (general)	Reasonable, statutory, signs, interstates, controlled access, NCDOT authority, municipal authority, ordinances, school property, engineering and traffic investigations, concurrence, annexations, exceptions, truck routes, penalties, highway work zones, violations, commercial motor vehicles, prayer for judgement			<a href="#">20-141</a>		2013-0360		<a href="#">TEPPL Topic W-28</a>
Speed Limits (housemoving)	Reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time		-	<a href="#">20-370</a>		1977-0720		



Speed Limits (municipal street system)	Municipal authority to set minimum speed limits on the municipal street system on the basis of an engineering and traffic investigation; signs; exceptions		-	<a href="#">20-141 (g)</a>		2013-0360		
Speed Limits (nonprofit activity buses)	Speed limit, penalty			20-218.2		1993-0761		
Speed Limits (non-statutory)	NCDOT authority to lower or raise speed limits outside the corporate limits of a municipality, on interstates, and on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Speed Limits (operators)	Requirement to reduce speed to avoid collisions with persons, vehicles, or other conveyances		-	<a href="#">20-141 (m)</a>		2013-0360		
Speed Limits (permits)	Speeding penalties for vehicles carrying loads subject to permit requirements		-	<a href="#">20-141 (j3)</a>		2013-0360		
Speed Limits (reasonable)	Prohibition of speeds greater than is reasonable and prudent under existing conditions			<a href="#">20-141 (a)</a>		2013-0360		
Speed Limits (school activity buses)	Qualifications of drivers, speed limits, penalties		-	<a href="#">20-218</a>		2009-0550		
Speed Limits (school buses)	Qualifications of drivers, speed limits, penalties		-	<a href="#">20-218</a>		2009-0550		
Speed Limits (schools)	Authority for NCDOT and municipalities to lower speed limits by ordinance for areas adjacent to or near a school on their respective systems; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic H-11</a>
Speed Limits (schools)	Authority for NCDOT and municipalities to lower speed limits by ordinance for areas adjacent to or near a school on their respective systems; signs; signals; exceptions; requirements; penalties		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Speed Limits (schools)	County and municipal authority to lower speed limits on school property; requests and consent; signs; penalties			<a href="#">20-141 (e1)</a>		2013-0360		
Speed Limits (signals)	Flasher requirements for lowered speed limits for areas adjacent to or near a school (if used)		-	<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>

Speed Limits (signs)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Speed Limits (signs)	NCDOT authority to lower or raise speed limits outside the corporate limits of a municipality, on interstates, and on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Speed Limits (signs)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit	-		<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Speed Limits (signs)	<b>REPEALED:</b> Requirement to erect signs at least six hundred (600) feet in advance of reduced speed zones	-		<a href="#">136-33.2</a>		2007-0164	Repealed effective 7/1/2007	
Speed Limits (signs)	Requirement to erect signs at least six hundred (600) feet in advance of reduced speed zones	-		<a href="#">136-33.2A</a>		2007-0164	Enacted effective 7/1/2007	
Speed Limits (signs)	Signs requirements for lowered speed limits for areas adjacent to or near a school	-		<a href="#">20-141.1</a>		2011-0064		<a href="#">TEPPL Topic S-14</a>
Speed Limits (State highway system)	Municipal authority to raise or lower speed limits on the State highway system with concurring ordinances from NCDOT; engineering and traffic investigations; exceptions; maximum; signs			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Speed Limits (State highway system)	NCDOT and municipal authority to set minimum speed limits on the State highway system inside of municipal corporate limits on the basis of an engineering and traffic investigation by concurring ordinances between NCDOT and municipalities; signs; exceptions	-		<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
Speed Limits (State highway system)	NCDOT authority to set minimum speed limits on the State highway system outside of municipal corporate limits on the basis of an engineering and traffic investigation; signs; exceptions	-		<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>

Speed Limits (state parks)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
Speed Limits (statutory)	Maximum speed limits; exceptions			<a href="#">20-141 (b)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
Speed Limits (statutory)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
Speed Limits (structures)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		
Speed Limits (work zone speeding penalty)	Definition; violations; penalties; signs; Secretary of Transportation requirements; engineering reviews		-	<a href="#">20-141 (j2)</a>		2013-0360		<a href="#">TEPPL Topic W-25</a>
Speeds (secondary roads)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Speeds (weights)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Spot Mobility Program (general)	Mobility, modernization, congestion, delay, requirements, considerations, selection, schools			136-189.20		2019-0231		<a href="#">TEPPL Topic S-81</a>
STAA	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>				Various		<a href="#">TEPPL Topic T-52</a>
STAA (48/53 foot trailers)	<b>REPEALED:</b> Access routes/semi-trailer trucks with 48/53 foot trailers				2E.0425	1991-1101	Repealed effective 11/1/1991	<a href="#">TEPPL Topic T-52</a>
STAA (designations)	NCDOT authority to designate routes; conditions; exceptions		-	<a href="#">20-115.1 (g)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
STAA (general)	Allowed to operate; limitations on trailer and semi-trailer lengths; limitations on vehicle widths; prohibitions; requirements; restrictions; exceptions; reasonable access; designations; penalties; trailer frames			<a href="#">20-115.1</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>

STAA (reasonable access)	Definitions, reasonable access requirements, approvals or rejections (State Traffic Engineer), notifications, revocations, appeals				<a href="#">2E.0426</a>	1993-1101		<a href="#">TEPPL Topic T-52</a>
STAA (reasonable access)	Definitions; NCDOT authority to promulgate rules and regulations		-	<a href="#">20-115.1 (f)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
STAA (semitrailers)	Allowed to operate; limitations on semi-trailer lengths; requirements		-	<a href="#">20-115.1 (b)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
STAA (size and weight)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-	-	Various		<a href="#">TEPPL Topic T-52</a>
STAA (twin trailers)	Allowed to operate; limitations on trailer and semi-trailer lengths		-	<a href="#">20-115.1 (a)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
STAA (twin trailers)	<b>REPEALED:</b> Twin trailers access routes				2E.0424	1991-1101	Repealed effective 11/1/1991	<a href="#">TEPPL Topic T-52</a>
STAA (widths)	Allowed to operate; restrictions; limitations on widths		-	<a href="#">20-115.1 (c)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
Standing (controlled access)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions			<a href="#">136-89.58 (5)</a>		1999-0330		
Standing (driveways)	Standing in front of a private driveway is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Standing (fire hydrants)	Standing within 15-feet of a fire hydrant is prohibited; exceptions			<a href="#">20-162 (a)</a>		1981-0574		
Standing (fire lanes)	Standing in any area designated as a fire lane is prohibited; exceptions			<a href="#">20-162 (b)</a>		1981-0574		
Standing (fire stations)	Standing within 15-feet of the entrance to a fire stations is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Standing (general)	No parking generally means a vehicle is not allowed to be stopped and left unattended (but is allowed to temporarily stop to load and/or discharge merchandise and/or passengers); no standing generally means a vehicle is not allowed to stop to load and/or discharge merchandise (but is allowed to temporarily stop to load and/or discharge passengers); no stopping means a vehicle is not allowed to stop		-	-			Web search (Cornell University, American Safety Council, State of New York)	

Standing (general)	Prohibition against vehicles being parked or left standing in front of private driveways, within 15-feet of fire hydrants or entrances to fire stations, within 25-feet of intersections, or in fire lanes; exceptions; violations		-	<a href="#">20-162</a>		1981-0574		
Standing (general)	Prohibitions; roadways; solid waste vehicles; pavement; shoulders; trucks, truck tractors, trailers and semitrailers; removal, transporting, and storage of vehicles; removal after 24 hours; immediate removal if interfering with traffic or constitutes a hazard; exceptions		-	<a href="#">20-161</a>		2015-0231		
Standing (highways)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Standing (intersections)	Standing within 25-feet from the intersection of curb lines is prohibited			<a href="#">20-162 (a)</a>		1981-0574		
Standing (rest areas)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Standing (right-of-way)	Law enforcement officers may transport and store vehicles after 24 hours		-	<a href="#">20-161 (e)</a>		2015-0231		
Standing (roadways)	Prohibited on paved roadways where posted speed limits are 45 MPH or greater; exceptions			<a href="#">20-161 (a1)</a>		2015-0231		
Standing (roadways)	Prohibited on roadways where posted speed limits are less than 45 MPH; exceptions			<a href="#">20-161 (a)</a>		2015-0231		
Standing (shoulders)	Prohibited unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic			<a href="#">20-161 (b)</a>		2015-0231		
Standing (unattended vehicles)	Prohibition against standing unless stopping the engine, setting the brake and (if on a grade) turning the front wheels to the curb or side of highway		-	<a href="#">20-163</a>		1973-1330		
State Highway System (abandonment)	NCDOT authority to abandon roads, procedures, regulations, notices			<a href="#">136-55.1</a>		1993-0533		

State Highway System (access roads)	Access road improvements to industrial facilities or manufacturing projects, considerations, additions constructed by others				<a href="#">2C.0110</a>	1993-1229		
State Highway System (access roads)	River roads, mountain developments, seasonal residences, requirements				<a href="#">2C.0109</a>	1978-0701		
State Highway System (aircraft)	Unlawful for aircraft to take-off or land on the State highway system, exceptions				<a href="#">2E.0412</a>	2012-1201		
State Highway System (annexations)	Posted speed limits on the State highway system remain in effect following annexations until both NCDOT and the municipality pass concurrent ordinances to change the speed limit	-		<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
State Highway System (changes)	Board of Transportation authority to change, alter, add to, or abandon and substitute new sections	-		<a href="#">136-54</a>		1977-0464		
State Highway System (Chief Engineer powers)	Authority to allow aircraft to take-off or land on the State highway system, considerations				<a href="#">2E.0412</a>	2012-1201		
State Highway System (comprehensive transportation plans)	Authority for NCDOT and MPOs/municipalities to adopt comprehensive transportation plans; authority to agree which streets will be part each system (State or municipal); definition			<a href="#">136-66.2</a>		2001-0168		
State Highway System (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
State Highway System (design)	<b>REPEALED:</b> Review and approval authority				2D.0703	1993-1001	Repealed effective 10/1/1993	
State Highway System (drainage)	NCDOT is responsible for the maintenance of drainage of the State highway system				2D.0404 (b) (5)	1993-1101		
State Highway System (drainage)	Unlawful to obstruct any drainage ditch within the right-of-way of any road or the State highway system				<a href="#">2E.0416 (b)</a>	1978-0701		
State Highway System (driveways)	Unlawful to intersect the State highway system with private driveways or roadways, exceptions, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		<a href="#">TEPPL Topic A-21</a>

State Highway System (driveways)	Unlawful to revise or construct any commercial entrance with the right-of-way of the State highway system, exceptions				<a href="#">2E.0417</a>	1993-1101		<a href="#">TEPPL Topic A-21</a>
State Highway System (fences)	Unlawful for persons or firms to construct, place, or erect fences in the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
State Highway System (guard rail)	NCDOT shall maintain, repair, and replace guard rail on the State highway system				2D.0404 (b) (9)	1993-1101		
State Highway System (lane use)	NCDOT and municipalities shall ensure traffic lanes are kept open				2D.0404 (b) (11)	1993-1101		
State Highway System (lights)	NCDOT shall maintain street lighting on freeways, interstate systems, and other controlled access highways if determined to be for public safety				2D.0404 (b) (10) (A)	1993-1101		<a href="#">TEPPL Topic L-09</a>
State Highway System (maintenance)	Definitions, responsibilities, sidewalks, snow and ice control, guard rail, lighting, drainage, patching and resurfacing				2D.0404	1993-1101		
State Highway System (mud)	Vehicles with "dual wheels" or equipped with four-wheel drive are prohibited to track mud that creates a safety hazard onto paved portions of the State highway system				<a href="#">2E.0403</a>	1993-1101		
State Highway System (multi-use paths)	Authorization for municipal multi-use paths in the State highway system right-of-way, encroachment agreements, conditions, approvals, requirements				<a href="#">2E.0427</a>	1993-1001		
State Highway System (municipalities)	Definition			<a href="#">136-66.1 (1)</a>		2005-0382		
State Highway System (obstructions)	Obstructions on right-of-way, highways, State highway system, roads, roadways, and/or drainage prohibited				<a href="#">2E.0402</a>	1978-0701		<a href="#">TEPPL Topic H-08</a>
State Highway System (obstructions)	Unlawful for persons or firms to construct, place, or erect obstructions in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic H-08</a>
State Highway System (parades)	Unlawful to conduct or participate in a parade outside municipal limits				<a href="#">2E.0413</a>	1978-0701		<a href="#">TEPPL Topic S-77</a>

State Highway System (roadways)	Unlawful to intersect the State highway system with private driveways or roadways, exceptions, requirements				<a href="#">2E.0416 (a)</a>	1978-0701		
State Highway System (rules)	Application, limitation				<a href="#">2D.0702</a>	1993-1001		
State Highway System (school improvements)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
State Highway System (selling)	Unlawful to sell items from any place on the right-of-way of the State highway system				<a href="#">2E.0414</a>	1978-0701		
State Highway System (sidewalks)	Municipalities are responsible for maintaining sidewalks				2D.0404 (b) (6)	1993-1101		
State Highway System (sidewalks)	NCDOT is not responsible for clearing sidewalks				2D.0404 (b) (8) (B)	1993-1101		
State Highway System (signs)	Unlawful for persons or firms to construct, place, or erect signboards in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		
State Highway System (snow and ice)	NCDOT shall clear State highway system streets but not sidewalks; municipalities may clear State highway system streets through an agreement with NCDOT and NCDOT reimbursement				2D.0404 (b) (8)	1993-1101		
State Highway System (speed limits)	Minimum speed limits for interstates and primary highways; exceptions; signs			<a href="#">20-141 (c)</a>		2013-0360		
State Highway System (speed limits)	Municipal authority to raise or lower speed limits on the State highway system with concurring ordinances from NCDOT; engineering and traffic investigations; exceptions; maximum; signs			<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
State Highway System (speed limits)	NCDOT and municipal authority to set minimum speed limits on the State highway system inside of municipal corporate limits on the basis of an engineering and traffic investigation by concurring ordinances between NCDOT and municipalities; signs; exceptions		-	<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>



State Highway System (speed limits)	NCDOT authority to lower or raise speed limits on controlled access highways; maximum; engineering and traffic investigations; signs			<a href="#">20-141 (d)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
State Highway System (speed limits)	NCDOT authority to raise or lower speed limits on the State highway system within municipalities which do not have a governing body to enact municipal ordinances	-		<a href="#">20-141 (f)</a>		2013-0360		<a href="#">TEPPL Topic H-11</a>
State Highway System (speed limits)	NCDOT authority to set minimum speed limits on the State highway system outside of municipal corporate limits on the basis of an engineering and traffic investigation; signs; exceptions	-		<a href="#">20-141 (g)</a>		2013-0360		<a href="#">TEPPL Topic S-40</a>
State Highway System (truck routes)	NCDOT authority to designate truck routes; specifics; penalties; exceptions	-		<a href="#">20-116 (h)</a>		2015-0286		
State Highway System (utilities)	Unlawful for persons or firms to construct, place, or erect poles, signboards, fences, pipelines, wires, cables, or other obstructions, or any combination thereof, in or over the right-of-way of the State highway system, exceptions				<a href="#">2E.0420</a>	2012-1201		<a href="#">TEPPL Topic R-25</a>
State Highway System (utilities)	Unlawful to construct utility wires or cables over the State highway system, exceptions, requirements				<a href="#">2E.0421</a>	1993-1101		
State Parks (advertising)	outdoor advertising devices along highways adjacent to scenic and historical areas, restrictions, distances, signs, National Highway System			136-129.2		1993-0524		
State Parks (financial)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
State Parks (parking)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		

State Parks (roads and parking lots)	NCDOT requirement to maintain all roads and parking lots in state parks; NCDOT requirement to partner with NCDNCR and use accepted park planning and design principles		-	<a href="#">136-44.12</a>		2015-0241		
State Parks (signals)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
State Parks (signs)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
State Parks (speed limits)	Statutory speed limits, signs, signals, and parking for state parks and state forests, violations, enforcement, authority to make changes			143-116.8		2015-0241		
State Parks (system)	Budget and appropriations, proposed expenditures for the State highway system and the State parks system, requirements, enumeration, unreserved credit balance, excess, restrictions, reporting, carryforward, credit reserve, unallotted balances, unencumbered balances, unexpended balances, inactive projects, major events			<a href="#">136-44.2</a>		2021-0180		
State Traffic Engineer (ordinances)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt all necessary rules for the use of and to police traffic on state highways				4A.0104 (b)	1995-1201		<a href="#">TEPPL Topic H-11</a>
State Traffic Engineer (primary highway numbers)	The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to set, change or extend route numbers on the Primary highway system				4A.0104 (b)	1995-1201	<a href="#">Route Changes</a>	<a href="#">TEPPL Topic H-11</a>
Stopping (controlled access)	Unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way; exceptions		-	<a href="#">136-89.58 (5)</a>		1999-0330		

Stopping (general)	No parking generally means a vehicle is not allowed to be stopped and left unattended (but is allowed to temporarily stop to load and/or discharge merchandise and/or passengers); no standing generally means a vehicle is not allowed to stop to load and/or discharge merchandise (but is allowed to temporarily stop to load and/or discharge passengers); no stopping means a vehicle is not allowed to stop		-	-			Web search (Cornell University, American Safety Council, State of New York)	
Strategic Prioritization (financial)	Definitions			136-189.10		2018-0097		
Strategic Prioritization (financial)	Investments (funds, formula, formula variance, incentives, reporting, improvement)			136-189.11		2018-0097		
Structures (design)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	
Structures (drainage)	<b>REPEALED:</b> Handbook of design for highway surface drainage structures				2D.0422	1981-0403	Repealed effective 4/3/1981	
Structures (driveways)	Installation of driveway pipe, cost, requirements, applications, permits				<a href="#">2D.0421</a>	1993-1101		
Structures (permits)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Structures (railroad crossings)	Prohibition against moving structures upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Structures (railroad crossings)	Separations, requirements, costs, widenings				<a href="#">2B.0154</a>	1978-0701		
Structures (secondary roads)	Improvements, paving, unpaved roads, construction, maintenance, safety, structures, acquisition, bonds				<a href="#">2C.0108</a>	2004-0101		<a href="#">Roadway Design Manual</a>
Structures (speed limits)	Prohibition against driving vehicles on public bridges, causeways or viaducts at speeds greater than can be safely accommodated by the structures; requests; procedures; signs		-	<a href="#">20-144</a>		1977-0464		

Structures (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Structures (State highway system)	Prohibited; exceptions; permits; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Subdivisions (bridges)	<b>REPEALED:</b> Requirements				2C.0206	1993-1229	Repealed effective 12/29/1993	
Subdivisions (construction criteria)	<b>REPEALED:</b> Subdivision streets design and construction criteria				2C.0113	1981-0403	Repealed effective 4/3/1981	
Subdivisions (curb and gutter)	<b>REPEALED:</b> Requirements				2C.0207	1993-1229	Repealed effective 12/29/1993	
Subdivisions (dams)	<b>REPEALED:</b> Requirements				2C.0206	1993-1229	Repealed effective 12/29/1993	
Subdivisions (design criteria)	<b>REPEALED:</b> Subdivision streets design and construction criteria				2C.0113	1981-0403	Repealed effective 4/3/1981	
Subdivisions (drainage)	Requirements				2C.0205	1993-1229		
Subdivisions (general)	Definitions				2C.0201	1993-1229		
Subdivisions (intersections)	<b>REPEALED:</b> Requirements				2C.0211	1993-1229	Repealed effective 12/29/1993	
Subdivisions (islands)	Requirements, conditions				2C.0212	1993-1229		
Subdivisions (maps/plats)	Register of deeds records	-		<a href="#">136-102.6 (a)</a>		2021-0121		
Subdivisions (maps/plats)	Requirements (alternative)			47-30.1		1961-0985		
Subdivisions (maps/plats)	Requirements; exceptions for boundaries and annexations			<a href="#">47-30</a>		2019-0035		
Subdivisions (markings)	NCDOT not required to mark center lines or edge lines			<a href="#">136-30.1 (a)</a>		1991-0530		
Subdivisions (medians)	Requirements, conditions				2C.0212	1993-1229		
Subdivisions (minimum design criteria)	<b>REPEALED:</b> Requirements				2C.0210	1993-1229	Repealed effective 12/29/1993	
Subdivisions (name markers)	Requirements, conditions				2C.0213	1993-1229		
Subdivisions (pavement designs)	<b>REPEALED:</b> Requirements				2C.0209	1993-1229	Repealed effective 12/29/1993	

Subdivisions (roads)	Addition to the State highway system, requirements, utilities, right-of-way				2C.0203	1993-1229		
Subdivisions (roads)	Compliance with state standards			<a href="#">136-102.6</a>		2021-0121		
Subdivisions (roads)	Dedication, applications, requirements				2C.0202	1993-1229		
Subdivisions (roads)	Definitions				2C.0201	1993-1229		
Subdivisions (roads)	Disclosure statements		-	<a href="#">136-102.6 (f)</a>		2021-0121		
Subdivisions (roads)	Exceptions (Lakes Hickory, Norman, Mountain Island and Wylie)		-	<a href="#">136-102.6 (h)</a>		2021-0121		
Subdivisions (roads)	Exceptions (outside incorporated municipalities)		-	<a href="#">136-102.6 (g)</a>		2021-0121		
Subdivisions (roads)	<b>REPEALED:</b> Subdivision streets design and construction criteria				2C.0113	1981-0403	Repealed effective 4/3/1981	
Subdivisions (roads)	Right-of-way delineation, public or private designation			<a href="#">136-102.6 (b)</a>		2021-0121		
Subdivisions (roads)	Right-of-way, design, maps/plats, construction standards, approvals by District Engineers		-	<a href="#">136-102.6 (c)</a>		2021-0121		
Subdivisions (roads)	Traffic calming devices		-	<a href="#">136-102.8</a>		2015-0217		<a href="#">TEPPL Topic T-11</a>
Subdivisions (roads)	Transportation corridors (District Engineer approvals)		-	<a href="#">136-102.6 (i)</a>		2021-0121		
Subdivisions (secondary road additions)	Requirements				<a href="#">2C.0103 (2)</a>	1993-1229		
Subdivisions (secondary Roads)	Definitions				<a href="#">2C.0101</a>	1993-1229		
Subdivisions (utilities)	Addition of utilities, requirements				2C.0204	1993-1229		
Subdivisions (utilities)	Right-of-way, standards, policies and procedures, encroachments, regulation		-	<a href="#">136-102.6 (e)</a>		2021-0121		
Subdivisions (wheel chair ramps)	<b>REPEALED:</b> Requirements				2C.0208	2013-1201	Repealed effective 12/1/2013	
Surveys (federal aid)	NCDOT authority to contract		-	<a href="#">136-18 (12)</a>		2019-0199		
TODS Program (general)	<b>EXPIRED:</b> Appeal of decision		-	-	2E.1108	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	<b>EXPIRED:</b> Contracts with the Department		-	-	2E.1107	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	<b>EXPIRED:</b> Definitions		-	-	2E.1102	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	<b>EXPIRED:</b> Eligibility for program		-	-	2E.1104	2016-1001	Expired effective 10/1/2016	<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	Tourist-oriented directional sign program, administration, locations, priority		-	-	2E.1103	2004-0801		<a href="#">TEPPL Topic T-08</a>

TODS Program (general)	Tourist-oriented directional sign program, fees		-	-	2E.1106	2004-0801		<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	Tourist-oriented directional sign program, purpose, information, applications		-	-	2E.1101	2004-0801		<a href="#">TEPPL Topic T-08</a>
TODS Program (general)	Tourist-oriented directional sign program, requirements		-	-	2E.1105	2004-0801		<a href="#">TEPPL Topic T-08</a>
Toll Facilities (strategic prioritization)	Funds (excluded, incentives)			136-189.11		2018-0097		
Tolls (bridges)	County boards of commissioners authority to establish, operate, maintain, and supervise toll bridges on public roads not under the supervision and control of NCDOT		-	<a href="#">136-88</a>		1977-0464		
Tolls (bridges)	Purpose			136-89.180		2002-0133		
Tolls (bridges)	<b>REPEALED:</b> NCDOT authority to charge tolls for bridges; requirements; specifications; reporting		-	<a href="#">136-82.2</a>		2010-0133	Repealed effective 12/1/2010	
Tolls (designations)	NCTA may designate one or more lanes of any highway, or portion thereof, including lanes that may previously have been designated as HOV lanes, as high-occupancy toll (HOT) or other type of managed lanes; requirements; conditions, reporting			136-89.199		2018-0005		
Tolls (ferries)	Board of Transportation authority to change toll rates and toll-setting methodology; reporting requirements		-	<a href="#">136-82 (c)</a>		2018-0136		
Tolls (ferries)	County boards of commissioners authority to establish, operate, maintain, and supervise ferries on public roads not under the supervision and control of NCDOT		-	<a href="#">136-88</a>		1977-0464		
Tolls (ferries)	NCDOT requirement to establish tolls on certain routes		-	<a href="#">136-82 (b)</a>		2018-0136		
Tolls (ferries)	Secretary of Transportation authority to suspend tolls		-	<a href="#">136-82 (b2)</a>		2018-0136		
Tolls (roads)	Purpose			136-89.180		2002-0133		
Tolls (traffic control devices)	NCTA authority to control vehicles at appropriate places by erecting traffic control devices to collect tolls			20-158.2		2002-0133		
Tort Claims (Industrial Commission)	Court, determination of claims, scope, liability, negligence			143-291		2007-0345		

Tourism (agricultural)	Requirements		-	<a href="#">106-22.5</a>		2014-0058		
Towing (trailer frames)	Requirements; restrictions		-	<a href="#">20-115.1 (j)</a>		2008-0221		
Traffic Calming (subdivisions)	General		-	<a href="#">136-102.8</a>		2015-0217		<a href="#">TEPPL Topic T-11</a>
Traffic Circles (intersections)	Yielding requirements			<a href="#">20-155 (d)</a>		1973-1330		
Traffic Circles (right-of-way)	Yielding requirements			<a href="#">20-155 (d)</a>		1973-1330		
Traffic Control (lights)	NCDOT or other properly constituted State or local authorities authority to erect or maintain lights or lighting devices to effect or implement traffic control and safety		-	<a href="#">136-32.2 (c)</a>		1994-0024es		
Traffic Control (overtaking)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions		-	<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Traffic Control (passing)	NCDOT authority to place signs, markers, or markings prohibiting overtaking and passing; exceptions		-	<a href="#">20-150 (e)</a>		2016-0090		<a href="#">TEPPL Topic N-12</a>
Traffic Control (pedestrians)	Pedestrians required to follow traffic control signals; definitions		-	<a href="#">20-172</a>		1987-0125		
Traffic Control (photographic systems)	Definition; requirements; standards; signs; enforcement; appeals; fines; yellow light change interval; specified municipalities		-	<a href="#">160A-300.1</a>		2010-0132		<a href="#">TEPPL Topic R-15</a>
Traffic Control (rush hour traffic lanes)	HOV lanes, transitway lanes, temporary peak traffic shoulder lanes, directional flow peak traffic lanes, designations, signs, markers, pavement markings, restrictions, exceptions, shoulders, controlled access facilities, NCDOT authority, municipal authority		-	<a href="#">20-146.2</a>		2012-0194		<a href="#">TEPPL Topic H-05</a>
Traffic Control Devices (closures)	NCDOT authority to issue permits for intermittent closings when secondary roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		
Traffic Control Devices (emergency vehicles)	Traffic control devices; warning signals; due regard for safety			<a href="#">20-156</a>		2015-0241		

Traffic Control Devices (general)	Authority, intersections, stop signs, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, stop lines, marked crosswalks, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops		-	<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic P-37</a>
Traffic Control Devices (general)	Authority, intersections, stop signs, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, stop lines, marked crosswalks, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops		-	<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic S-58</a>
Traffic Control Devices (general)	Authority, intersections, stop signs, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, stop lines, marked crosswalks, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops		-	<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic S-75</a>
Traffic Control Devices (general)	Authority, intersections, stop signs, steady-beam signals, flashing red or yellow lights, right on red after stopping, yielding, stop lines, marked crosswalks, power outages, malfunctions, violations, prohibitions, right-of-way, pedestrians, ramp meters, penalties, actuated traffic signals, inductive loops		-	<a href="#">20-158</a>		2017-0102		<a href="#">TEPPL Topic T-31</a>
Traffic Control Devices (general)	<b><u>EXPIRED:</u></b> Responsibility				<a href="#">2B.0203</a>	2016-1001	Expired effective 10/1/2016	
Traffic Control Devices (general)	<b><u>REPEALED:</u></b> Definitions				<a href="#">2B.0202</a>	2019-0201	Repealed effective 2/1/2019	
Traffic Control Devices (general)	<b><u>REPEALED:</u></b> Uniform		-	-	<a href="#">2B.0208</a>	2019-0201	Repealed effective 2/1/2019	



Traffic Control Devices (lane designations)	May be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street			<a href="#">20-146 (d) (3)</a>		2015-0263		<a href="#">TEPPL Topic T-39</a>
Traffic Control Devices (lane designations)	May be installed to prohibit the changing of lanes on sections of streets			<a href="#">20-146 (d) (4)</a>		2015-0263		
Traffic Control Devices (lane designations)	May be used upon a street which is divided into three or more lanes and provides for the two-way movement of traffic to allocate exclusive use of the center lane to traffic moving in the same direction			<a href="#">20-146 (d) (2)</a>		2015-0263		
Traffic Control Devices (lane designations)	May be used upon any highway having four or more lanes for moving traffic and providing for two-way movement of traffic to designate certain lanes to the left side of the center of the highway for use by traffic; exception			<a href="#">20-146 (c)</a>		2015-0263		
Traffic Control Devices (municipalities)	Authority for municipalities to contract with NCDOT for the maintenance and construction of streets and traffic control devices on the State highway system		-	<a href="#">136-66.1 (3)</a>		2005-0382		
Traffic Control Devices (municipalities)	Municipal authority to control vehicles on the municipal highway system with signs, signals, and other devices			<a href="#">20-158 (a)</a>		2017-0102		
Traffic Control Devices (NCDOT)	NCDOT authority to control vehicles on the State highway system with signs, signals, and other devices		-	<a href="#">20-158 (a)</a>		2017-0102		
Traffic Control Devices (tolls)	NCTA authority to control vehicles at appropriate places by erecting traffic control devices to collect tolls			20-158.2		2002-0133		
Traffic Control Devices (Uniform Manual)	Requirements for conformity with the Uniform Manual, exceptions thereof		-	<a href="#">136-30</a>		1993-0051		
Traffic Impact Analyses (school improvements)	Reimbursement for transportation improvements completed on the State highway system, requirements, costs, studies, analyses, prequalification, exceptions				2C.0116	2018-0223		
Traffic Impact Analyses (TIAs)	Confidential information, trade secrets			132-1.2		2019-0156		
Traffic Impact Analyses (TIAs)	Definitions (trade secrets, persons, misappropriation)			66-152		1981-0890		

Traffic Impact Analyses (TIAs)	Definitions, ownership, copies, cost			132-1		1995-0388		
Traffic Impact Analyses (TIAs)	Exceptions (proposed expansion or location of specific business or industrial projects)			132-6 (d)		2017-0010		
Traffic Impact Analyses (TIAs)	Inspection, examination, copies			132-6		2017-0010		
Traffic Impact Analyses (TIAs)	Trade secrets, misappropriation			66-153		1981-0890		
Trailer Frames (towing)	Requirements; restrictions		-	<a href="#">20-115.1 (j)</a>		2008-0221		
Tramways (easements)	Special proceedings for establishment, alteration or discontinuance; petitions; appeals			136-68		1995-0513		
Tramways (property access)	Alterations, changes, or abandonments			136-70		1995-0513		
Tramways (property access)	Cultivation, timber removal, quarries, mines, minerals, manufacturing plants, cemeteries; procedures			136-69		2019-0215		
Transitways (lane use)	NCDOT and municipal authority to designate transitways, signs, markers, restrictions		-	<a href="#">20-146.2 (a1)</a>		2012-0194		
Transportation Corridors (subdivision roads)	District Engineers (approvals)		-	<a href="#">136-102.6 (j)</a>		2021-0121		
Transportation Mobility and Safety Division (LOGO)	Requirement to administer the logo sign program		-	<a href="#">136-89.56</a>		2015-0239		<a href="#">TEPPL Topic L-12</a>
Truck Routes (designations)	NCDOT or municipalities may establish truck routes within municipalities on either the Stat highway system or the municipal street system, limitations, requirements, signing				<a href="#">2B.0213</a>	1993-1001		
Truck Routes (signs)	NCDOT and municipalities are responsible for signing truck routes on their respective systems				<a href="#">2B.0213 (c)</a>	1993-1001		
Trucks (48/53 foot trailers)	<b>REPEALED:</b> Access routes/semi-trailer trucks with 48/53 foot trailers				2E.0425	1991-1101	Repealed effective 11/1/1991	

Trucks (general)	Allowed to operate; limitations on trailer and semi-trailer lengths; limitations on vehicle widths; prohibitions; requirements; restrictions; exceptions; reasonable access; designations; penalties; trailer frames; STAA			<a href="#">20-115.1</a>		2008-0221		
Trucks (lengths)	Definitions, specifications, limitations		<a href="#">49 USC 31111</a>	-	-	2015-1204	Recodified from 49 USC 2311 on 7/5/1994	
Trucks (lengths)	<b>RECODIFIED:</b> Definitions, specifications, limitations		49 USC 2311	-	-	1991-1218	Recodified as 49 USC 31111 and 31112 on 7/5/1994	
Trucks (loads)	Required to be fastened; specifications; penalties		-	<a href="#">20-120</a>		1994-0024es		
Trucks (National Network)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-	-	Various		
Trucks (prohibitions)	NCDOT authority to prohibit; requirements		-	<a href="#">20-115.1 (b)</a>		2008-0221		
Trucks (property carrying units)	Definitions, limitations, special rules for certain states and routes; requirement for list of state length limitations		<a href="#">49 USC 31112</a>	-	-	2019-0215	Recodified from 49 USC 2311 on 7/5/1994	
Trucks (routes)	NCDOT authority to designate and mark truck routes		-	<a href="#">20-141 (i)</a>		2013-0360		
Trucks (semitrailers)	Allowed to operate; limitations on semi-trailer lengths; requirements		-	<a href="#">20-115.1 (b)</a>		2008-0221		
Trucks (size and weight)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-		Various		
Trucks (STAA designations)	NCDOT authority to designate routes; conditions; exceptions		-	<a href="#">20-115.1 (g)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
Trucks (STAA reasonable access)	Definitions, reasonable access requirements, approvals or rejections (State Traffic Engineer), notifications, revocations, appeals				<a href="#">2E.0426</a>	1993-1101		<a href="#">TEPPL Topic T-52</a>
Trucks (STAA reasonable access)	Definitions; NCDOT authority to promulgate rules and regulations		-	<a href="#">20-115.1 (f)</a>		2008-0221		<a href="#">TEPPL Topic T-52</a>
Trucks (STAA)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-		Various		<a href="#">TEPPL Topic T-52</a>

Trucks (twin trailers)	Allowed to operate; limitations on trailer and semi-trailer lengths		-	<a href="#">20-115.1 (a)</a>		2008-0221		
Trucks (twin trailers)	<b>REPEALED:</b> Twin trailers access routes				2E.0424	1991-1101	Repealed effective 11/1/1991	
Trucks (weigh stations)	NCDOT shall be responsible for the maintenance and upkeep of all permanent weigh stations			<a href="#">20-183.9</a>		2011-0145		
Trucks (widths)	Limitations, permits, enforcement, exemptions		<a href="#">49 USC 31113</a>	-		1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
Trucks (widths)	<b>RECODIFIED:</b> Limitations, permits, enforcement, exemptions		49 USC 2316	-		1984-1030	Recodified as 49 USC 31113 on 7/5/1994	
Turnouts (picnic areas)	NCDOT authority for the construction, operation, and maintenance for the safety and convenience of highway users		-	<a href="#">136-18 (9)</a>		2019-0199		
Turnouts (picnic tables)	NCDOT authority for the construction, operation, and maintenance for the safety and convenience of highway users		-	<a href="#">136-18 (9)</a>		2019-0199		
Turnouts (roadside parks)	NCDOT authority for the construction, operation, and maintenance for the safety and convenience of highway users		-	<a href="#">136-18 (9)</a>		2019-0199		
Turnouts (scenic overlooks)	NCDOT authority for the construction, operation, and maintenance for the safety and convenience of highway users		-	<a href="#">136-18 (9)</a>		2019-0199		
Turns (controlled access)	Unlawful to make a left turn or a semicircular or U-turn in the dividing curb section, separation, or line; exception		-	<a href="#">136-89.58 (2)</a>		1999-0330		
Turns (intersections)	Requirements, restrictions, modifications, buttons, markers, signs		-	<a href="#">20-153</a>		1997-0405		
UNC System (parking)	Regulation authority on certain public streets adjacent to campuses		-	<a href="#">116-44.5</a>		2005-0165		
UNC System (parking)	Regulation authority on university property		-	<a href="#">116-44.4</a>		2006-0203		
UNC System (pedestrians)	Regulation authority on university property		-	<a href="#">116-44.4</a>		2006-0203		

UNC System (roads)	NCDOT authority to design, construct, repair, and maintain paved streets and roads		-	<a href="#">136-18 (25)</a>		2019-0199		
UNC System (vehicles)	Regulation and registration authority on university property		-	<a href="#">116-44.4</a>		2006-0203		
Underpasses (railroads)	Safety and unreasonable interference; NCDOT authority to require construction; maintenance costs incurred by railroads		-	<a href="#">136-20</a>		1994-0024es		
Uniform Manual (MUTCD)	Definition, requirements for conformity, exceptions thereof		-	<a href="#">136-30</a>		1993-0051		
Uniform Manual (MUTCD)	NCDOT authority to adopt supplements		-	<a href="#">136-30 (d)</a>		1993-0051		
Urban Areas	Definition		-	<a href="#">136-128 (8)</a>		2000-0101		
USDOA Powers (native plants)	Authority for classification		-	<a href="#">136-18 (9)</a>	-	2019-0199		
USDOI Powers (federal parkways)	Authority to designate			<a href="#">136-19 (i)</a>		2009-0266		
USDOT Powers (airports and landing areas)	Airports and aircraft landing areas (standards for safe clearances between highways and airways)			<a href="#">136-18 (22)</a>		2019-0199	Federal Aid Highway Act of 1958 (United States Bureau of Public Roads)	
USDOT Powers (congestion management)	Authority to approve plans to facilitate the flow of people and goods in urban areas; authority to allocate funds		<a href="#">23 USC 135</a>			2015-1204		
USDOT Powers (designations)	Authority to designate Federal-aid Primary System highways that can safely accommodate vehicle lengths		<a href="#">49 USC 31111</a>	-	-	2015-1204	Recodified from 49 USC 2311 on 7/5/1994	
USDOT Powers (designations)	Authority to designate Federal-aid Primary System highways that can safely accommodate vehicle widths; requirement for agreement from the State for new designations		<a href="#">49 USC 31113</a>	-	-	1984-1030	Recodified from 49 USC 2316 on 7/5/1994	
USDOT Powers (designations)	<b>RECODIFIED:</b> Authority to designate Federal-aid Primary System highways that can safely accommodate vehicle lengths		49 USC 2311	-	-	1991-1218	Recodified as 49 USC 31111 and 31112 on 7/5/1994	
USDOT Powers (designations)	<b>RECODIFIED:</b> Authority to designate Federal-aid Primary System highways that can safely accommodate vehicle widths; requirement for agreement from the State for new designations		49 USC 2316	-	-	1984-1030	Recodified as 49 USC 31113 on 7/5/1994	

USDOT Powers (explosives)	Authority to regulate the transport of explosives upon highways		-	<a href="#">20-167</a>		1985-0454		
USDOT Powers (helmets)	Federal motor vehicle safety standards, minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users	<a href="#">49 CFR 571</a>				Various	Federal Motor Vehicle Safety Standard (FMVSS) 218	
USDOT Powers (multi-use paths)	Requirement to obtain Federal Highway Administration (FHWA) approval if right-of-way was acquired using federal aid highway funds				<a href="#">2E.0427 (d)</a>	1993-1001		
USDOT Powers (property carrying units)	Definitions, limitations, special rules for certain states and routes; requirement for list of state length limitations		<a href="#">49 USC 31112</a>	-	-	2019-0215	Recodified from 49 USC 2311 on 7/5/1994	
USDOT Powers (signs, directional)	Definition of effective control		<a href="#">23 USC 131 (c)</a>			2015-1204		
USDOT Powers (signs, directional)	Removal exemption requirements		<a href="#">23 USC 131 (o)</a>			2015-1204		
USDOT Powers (STAA)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-	-	Various		<a href="#">TEPPL Topic T-52</a>
USDOT Powers (trucks)	Truck size and weight, route designations - length, width and weight limitations	<a href="#">23 CFR 658</a>		-	-	Various		
USDOT Powers (Uniform Manual)	Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)		-	<a href="#">136-30 (d)</a>		1993-0051		
Utilities (bridges)	Unlawful to construct utility wires or cables over the State highway system, exceptions, requirements		-	-	<a href="#">2E.0421</a>	1993-1101		
Utilities (communications)	NCDOT authority for right-of-way		-	<a href="#">136-18 (2) (c) (1)</a>		2019-0199		
Utilities (connecting roads)	NCDOT authority to require municipalities to install utilities and connections within connecting roads			<a href="#">136-27</a>		1977-0464		
Utilities (contracts)	NCDOT may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities			136-28.1 (i)		2018-0005		
Utilities (crashes)	Requirement to report damage to law enforcement or owner			<a href="#">20-166 (c1)</a>		2008-0128		

Utilities (electric power lines)	Right to construct, maintain and operate along railroads and public highways; prohibition to obstruct or hinder travel			<a href="#">62-180</a>		1963-1165		
Utilities (electric power)	Providers may exercise the right of eminent domain after consent; requirements		-	<a href="#">62-181</a>		1963-1165		
Utilities (encroachments)	Agreements during construction				2B.0509	1993-1001		
Utilities (encroachments)	Applications				2B.0503	1993-1001		
Utilities (encroachments)	Applications				<a href="#">2E.0420 (b)</a>	2012-1201		
Utilities (encroachments)	Applications				<a href="#">2E.0421 (d)</a>	1993-1101		
Utilities (encroachments)	Approvals				2B.0504	1993-1001		
Utilities (encroachments)	Definitions				2B.0501	1993-1001		
Utilities (encroachments)	Execution of agreement				2B.0507	1993-1001		
Utilities (encroachments)	Final inspections and reports				2B.0513	1993-1001		
Utilities (encroachments)	Notices before work begins				2B.0511	1981-0403		
Utilities (encroachments)	Notices upon completion of work				2B.0512	1981-0403		
Utilities (encroachments)	Performance bond				2B.0508	1993-1001		
Utilities (encroachments)	Permissions				<a href="#">2B.0502</a>	1981-0403		
Utilities (encroachments)	Relocation of utilities encountered in highway improvements				<a href="#">2B.0515</a>	1993-1001		
Utilities (encroachments)	<b>REPEALED:</b> Federal-aid highways				2B.0514	1993-1229	Repealed effective 12/29/1993	
Utilities (encroachments)	<b>REPEALED:</b> Forms				2B.0505	1993-1229	Repealed effective 12/29/1993	
Utilities (encroachments)	Responsibility for existing utilities				2B.0506	1981-0403		
Utilities (encroachments)	Vegetation				2B.0510	1993-1001		
Utilities (flooding)	NCDOT authority to issue permits for intermittent closings when secondary roads will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project; requirement for public notice			<a href="#">136-64.1</a>		2012-0085		
Utilities (general)	NCDOT authority for rules, regulations, ordinances		-	<a href="#">136-18 (10)</a>		2019-0199		
Utilities (hydroelectric power)	Providers may exercise the right of eminent domain after consent; requirements		-	<a href="#">62-181</a>		1963-1165		
Utilities (municipal system)	NCDOT authority to require municipalities to install utilities and connections within connecting roads			<a href="#">136-27</a>		1977-0464		

Utilities (right-of-way)	NCDOT authority to acquire (utility placement or relocation)			<a href="#">136-19 (e)</a>		2009-0266		
Utilities (secondary road additions)	Requirements, subdivision streets				<a href="#">2C.0103 (2) (b)</a>	1993-1229		
Utilities (sewer)	Authority for Metropolitan Sewerage Districts to obtain right-of-way and easements in, along, or across public roads; requirement for any work to be done in accordance with reasonable requirements		-	<a href="#">162A-74</a>		1977-0464		
Utilities (signs)	Allowed beyond 660 feet of the right-of-way of the interstate and primary highway systems			<a href="#">136-129.1 (1)</a>		1999-0404		
Utilities (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Utilities (State highway system)	Prohibited; exceptions; permits; bonds; violations; penalties		-	<a href="#">136-93 (a)</a>		2014-0115		
Utilities (State highway system)	Unlawful to construct utility wires or cables over the State highway system, exceptions, requirements				<a href="#">2E.0421</a>	1993-1101		
Utilities (subdivision roads)	Addition of utilities, requirements				2C.0204	1993-1229		
Utilities (subdivision roads)	Right-of-way, standards, policies and procedures, encroachments, regulation		-	<a href="#">136-102.6 (e)</a>		2021-0121		
Utilities (telegraph lines)	Right to construct, maintain and operate along railroads and public highways; prohibition to obstruct or hinder travel			<a href="#">62-180</a>		1963-1165		
Utilities (telephone lines)	Right to construct, maintain and operate along railroads and public highways; prohibition to obstruct or hinder travel			<a href="#">62-180</a>		1963-1165		
Vegetation (advertising)	Selective vegetation removal, permits, outdoor advertising, applications, process				2E.0608	2015-0101		<a href="#">TEPPL Topic I-01</a>
Vegetation (advertising)	Selective vegetation removal, permits, outdoor advertising, approvals, denials				2E.0609	2015-0101		<a href="#">TEPPL Topic I-01</a>
Vegetation (advertising)	Selective vegetation removal, permits, outdoor advertising, conditions				2E.0610	2015-0101		<a href="#">TEPPL Topic I-01</a>



Vegetation (advertising)	Selective vegetation removal, permits, outdoor advertising, modified cut zones, ramps, conditions, appeals				2E.0612	2015-0101		<a href="#">TEPPL Topic I-01</a>
Vegetation (agricultural tourism)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		
Vegetation (Chief Engineer powers)	Authority to allow persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, requirements				<a href="#">2E.0419</a>	2012-1201		
Vegetation (controlled access)	Process for requesting planting on controlled access facilities				<a href="#">2D.0423</a>	1993-1101		
Vegetation (permits)	Permits required to remove vegetation in the right-of-way, requirements, exceptions				<a href="#">2E.0601</a>	2015-0101		
Vegetation (permits)	Prohibition on planting, cutting, trimming, pruning, or removing vegetation (including trees, shrubs, and underbrush) without a permit; exception		-	<a href="#">136-93 (b)</a>		2014-0115		<a href="#">TEPPL Topic T-61</a>
Vegetation (permits)	<b>REPEALED:</b> Appeal to the Chief Engineer				2E.0605	1982-0602	Repealed effective 6/2/1982	
Vegetation (permits)	<b>REPEALED:</b> Exceptions to the policy				2E.0606	1993-1229	Repealed effective 12/29/1993	
Vegetation (permits)	<b>REPEALED:</b> Temporary moratorium				2E.0607	1993-1229	Repealed effective 12/29/1993	
Vegetation (permits)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		
Vegetation (permits)	Selective vegetation removal, conditions				2E.0604	2015-0101		
Vegetation (permits)	Selective vegetation removal, permits review, approvals and denials, time frames				2E.0603	2015-0101		
Vegetation (permits)	Selective vegetation removal, permits, beautification, replanting				2E.0611	2015-0101		
Vegetation (right-of-way)	Selective vegetation removal, applications, process, bonds, fees, insurance, permits				2E.0602	2015-0101		

Vegetation (right-of-way)	Unlawful for persons to plant, cultivate, or grow crops, or to maintain pastures or pasture grass, within the right-of-way, exceptions				<a href="#">2E.0419</a>	2012-1201		
Vegetation (roads)	Process for requesting planting on facilities without controlled access				<a href="#">2D.0424</a>	1993-1101		
Vegetation (roadways)	Process for requesting planting on facilities without controlled access				<a href="#">2D.0424</a>	1993-1101		
Vegetation (State highway system)	NCDOT powers, municipal powers, permits, bonds, vegetation, advertising, right-of-way, intersections, structures, utilities, railways, prohibitions, exceptions, violations, penalties			<a href="#">136-93</a>		2014-0115		
Vehicles (activity buses)	Requirement for drivers of activity buses to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		
Vehicles (ambulances)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways		-	<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>
Vehicles (ambulances)	Speed limits not applicable to ambulances when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (animal drawn)	Traffic laws are applicable to every person riding an animal or driving any animal drawing a vehicle upon a highway; exceptions			<a href="#">20-171</a>		1939-0275		
Vehicles (autocycles)	Requirements for headlamps		-	<a href="#">20-129 (c)</a>		2017-0211		
Vehicles (autocycles)	Shall not be operated more than one abreast in a single lane			<a href="#">20-146.1 (b)</a>		2015-0163		
Vehicles (backup lamps)	Requirements		-	<a href="#">20-129 (h)</a>		2017-0211		
Vehicles (bicycles)	Requirements for lamps on the front and on the rear when operated at night		-	<a href="#">20-129 (e)</a>		2017-0211		
Vehicles (boat trailers)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (m)</a>		2015-0286		
Vehicles (boats)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (m)</a>		2015-0286		
Vehicles (buses)	Length restrictions; exceptions		-	<a href="#">20-116 (l)</a>		2015-0286		
Vehicles (buses)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (k)</a>		2015-0286		

Vehicles (combinations)	General		-	<a href="#">20-115.1</a>		2008-0221		
Vehicles (combinations)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Vehicles (commercial)	NCDOT authority to allow platoons by traffic ordinance; definition of platoons		-	<a href="#">20-152 (c)</a>		2017-0169		<a href="#">TEPPL Topic H-11</a>
Vehicles (commercial)	Parts and accessories necessary for safe operation; requirements for safety equipment on commercial motor vehicles; exceptions	<a href="#">49 CFR 393</a>	-	-		Various		
Vehicles (commercial)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.1 (e)</a>		2019-0036		
Vehicles (commercial)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.3 (f)</a>		2019-0036		
Vehicles (commercial)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			<a href="#">20-142.4 (g)</a>		2019-0036		
Vehicles (commercial)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings			20-142.5		2019-0036		
Vehicles (commercial)	Prohibition for employers of drivers of commercial motor vehicles to knowingly allow, require, permit, or otherwise authorize violations at railroad crossings; penalties			<a href="#">20-142.2</a>		2005-0349		
Vehicles (commercial)	Requirement for drivers of commercial motor vehicles to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		
Vehicles (commercial)	Requirements for safety equipment; exceptions		-	<a href="#">20-117</a>		2009-0376		
Vehicles (commercial)	Speeding penalties for vehicles carrying loads subject to permit requirements		-	<a href="#">20-141 (j3)</a>		2013-0360		

Vehicles (cranes)	Prohibition against operating cranes upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Vehicles (crawler-type tractors)	Prohibition against operating crawler-type tractors upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Vehicles (crossings)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching; prohibition to circumnavigate crossing gates and barriers; penalties; commercial motor vehicle employers			<a href="#">20-142.1</a>		2019-0036		
Vehicles (damages)	Objects, vehicles, and/or equipment that may damage roads, shoulders, and/or bridges on the State highway system are prohibited without written permission from the Chief Engineer				<a href="#">2E.0405</a>	2012-1201		
Vehicles (dedicated natural gas)	Exempt from high occupancy vehicle (HOV) lane restrictions		-	<a href="#">20-146.2 (a)</a>		2012-0194		
Vehicles (emergency management)	Restrictions on length of vehicles used for emergency management; exclusions		-	<a href="#">20-116 (d) (4)</a>		2015-0286		
Vehicles (emergency management)	Speed limits not applicable to civil preparedness coordinators (emergency management) when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (emergency)	Definition			<a href="#">20-157 (a)</a>		2019-0157		
Vehicles (emergency)	Exempt from high occupancy vehicle (HOV) lane restrictions		-	<a href="#">20-146.2 (a)</a>		2012-0194		
Vehicles (emergency)	Traffic control devices; warning signals; due regard for safety			<a href="#">20-156</a>		2015-0241		
Vehicles (escort)	Required for housemoving			20-360 (d)		2005-0354		
Vehicles (farm equipment)	Self-propelled grain combines or other self-propelled farm equipment shall be operated to the right of the centerline; exceptions			<a href="#">20-146 (a1)</a>		2015-0263		

Vehicles (farm tractors)	Prohibition against operating motor vehicles at such slow speeds as to impede the normal and reasonable movement of traffic; exceptions		-	<a href="#">20-141 (h)</a>		2013-0360		
Vehicles (farm tractors)	Requirement for white lamps and red lamps, exception for red reflectors		-	<a href="#">20-129 (f)</a>		2017-0211		
Vehicles (farm trailers)	Exceptions, requirements		-	<a href="#">20-123 (a)</a>		1997-0148		
Vehicles (fire department)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways		-	<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>
Vehicles (fire department)	Speed limits not applicable to fire department vehicles (including fire patrol and fire marshals) when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (Forest Service)	Speed limits not applicable to vehicles operated by the Forest Service when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (fuel cell electric)	Exempt from high occupancy vehicle (HOV) lane restrictions		-	<a href="#">20-146.2 (a)</a>		2012-0194		
Vehicles (general)	Definition			20-4.01 (49)		2021-0033		
Vehicles (general)	Vehicles overtaking other vehicles proceeding in the same direction shall pass at least two feet to the left; requirements; exceptions		-	<a href="#">20-149</a>		2016-0090		
Vehicles (general)	Vehicles proceeding in opposite directions shall pass each other to the right		-	<a href="#">20-148</a>		1937-0407		
Vehicles (heights)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; exceptions		-	<a href="#">20-116</a>		2015-0286		
Vehicles (IMAP)	Exception to use rear-facing red lights while stopped to provide assistance or incident management		-	<a href="#">20-130.1 (b) (17)</a>		2015-0276		
Vehicles (impeding traffic)	Exceptions for impeding the normal and reasonable movement of traffic for farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles		-	<a href="#">20-141 (h)</a>		2013-0360		

Vehicles (impeding traffic)	Prohibition against operating motor vehicles at such slow speeds as to impede the normal and reasonable movement of traffic; exceptions		-	<a href="#">20-141 (h)</a>		2013-0360		
Vehicles (lamps)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Vehicles (law enforcement)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways		-	<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>
Vehicles (law enforcement)	<b>REPEALED:</b> Required on highways entering the state indicating that highways are patrolled by unmarked police vehicles		-	<a href="#">20-190.2</a>		2018-0074	Repealed effective 7/1/2018	
Vehicles (law enforcement)	Restrictions on length of vehicles used for law enforcement; exclusions		-	<a href="#">20-116 (d) (4)</a>		2015-0286		
Vehicles (law enforcement)	Speed limits not applicable to law enforcement when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (lengths)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; exceptions		-	<a href="#">20-116</a>		2015-0286		
Vehicles (lights)	Headlamps, rear lamps, exemptions, requirements, windshield wipers, motorcycles, trailers, bicycles, farm tractors, reflectors, stop lamps, backup lamps		-	<a href="#">20-129</a>		2017-0211		
Vehicles (lights)	Prohibition against red and blue lights not sealed or installed during initial manufacture of a vehicle, exceptions, penalties		-	<a href="#">20-130.1</a>		2015-0276		
Vehicles (lights)	Spot lamps, auxiliary driving lamps, restrictions, electronically modulated headlamps, motorcycles, emergency vehicles, high mounted flashing deceleration lamps, public transit, light bar lighting device		-	20-130		2017-0112		
Vehicles (loads)	Prohibition against overloading and/or overcrowding		-	<a href="#">20-140.2</a>		1973-1330		

Vehicles (loads)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; loss of load; coverings; exceptions		-	<a href="#">20-116</a>		2015-0286		
Vehicles (low-speed)	The operation low-speed vehicles, mini-trucks, and modified utility vehicles is authorized; requirements; restrictions			20-121.1		2021-0033		
Vehicles (Marine Fisheries)	Speed limits not applicable to vehicles operated by Marine Fisheries when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (mini-truck)	The operation low-speed vehicles, mini-trucks, and modified utility vehicles is authorized; requirements; restrictions			20-121.1		2021-0033		
Vehicles (modified utility)	The operation low-speed vehicles, mini-trucks, and modified utility vehicles is authorized; requirements; restrictions			20-121.1		2021-0033		
Vehicles (mopeds)	Restrictions on riders; requirement for helmets; exceptions; violations; penalties; insurance			<a href="#">20-140.4</a>		2019-0227		
Vehicles (motor graders)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (p)</a>		2015-0286		
Vehicles (motorcycles)	Entitled to full use of a lane; allowed to operate two abreast in a single lane; excludes autocycles			<a href="#">20-146.1</a>		2015-0163		
Vehicles (motorcycles)	Exempt from high occupancy vehicle (HOV) lane restrictions		-	<a href="#">20-146.2 (a)</a>		2012-0194		
Vehicles (motorcycles)	Requirements for headlamps		-	<a href="#">20-129 (c)</a>		2017-0211		
Vehicles (motorcycles)	Requirements for rear lamps		-	<a href="#">20-129 (d)</a>		2017-0211		
Vehicles (motorcycles)	Requirements for stop lamps		-	<a href="#">20-129 (g)</a>		2017-0211		
Vehicles (motorcycles)	Restrictions on riders; requirement for helmets; exceptions; violations; penalties; insurance			<a href="#">20-140.4</a>		2019-0227		<a href="#">TEPPL Topic H-04</a>
Vehicles (motorcycles)	Traffic signals, right turn on red after stopping, defense to violations		-	<a href="#">20-158 (e)</a>		2017-0102		
Vehicles (motorsports)	Length restrictions; exceptions; requirements		-	<a href="#">20-116 (n)</a>		2015-0286		

Vehicles (mud)	Vehicles with "dual wheels" or equipped with four-wheel drive are prohibited to track mud that creates a safety hazard onto paved portions of the State highway system				<a href="#">2E.0403</a>	1993-1101		
Vehicles (mud)	Vehicles with "dual wheels" or equipped with four-wheel drive are prohibited to track mud that creates a safety hazard onto paved portions of the State highway system				<a href="#">2E.0403</a>	1993-1101		
Vehicles (NCTA powers)	NCTA authority to control vehicles at appropriate places by erecting traffic control devices to collect tolls			20-158.2		2002-0133		
Vehicles (nighttime parking)	Prohibition against leaving bright lights of vehicles on when they are facing oncoming traffic and the vehicle is parking or left standing at night on a highway or side road		-	<a href="#">20-161.1</a>		1953-1052		
Vehicles (nonprofit activity buses)	Speed limit, penalty			20-218.2		1993-0761		
Vehicles (normal operating speeds of five or less MPH)	Prohibition against operating upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		
Vehicles (operation)	Shall be driven in the right-hand lane or shall be driven as close as practicable to the right-hand curb or edge when proceeding at less than the legal maximum speed limit; exceptions			<a href="#">20-146 (b)</a>		2015-0263		
Vehicles (operation)	Shall be driven to the right of the centerline; exceptions			<a href="#">20-146</a>		2015-0263		
Vehicles (operation)	Shall be driven within a single lane; exception			<a href="#">20-146 (d) (1)</a>		2015-0263		
Vehicles (operation)	Shall not be driven in the center lane; exceptions			<a href="#">20-146 (d) (2)</a>		2015-0263		
Vehicles (operation)	Shall not be operated over and upon the inside lane next to the median of any dual-lane highway at a speed less than the posted speed limit when appropriate signs have been posted; exception			<a href="#">20-146 (e)</a>		2015-0263		
Vehicles (operation)	Shall not change lanes when prohibited by traffic-control devices			<a href="#">20-146 (d) (4)</a>		2015-0263		



Vehicles (operation)	Shall use designated lane(s) as specified and directed by traffic-control devices			<a href="#">20-146 (d) (3)</a>		2015-0263		<a href="#">TEPPL Topic T-39</a>
Vehicles (operators)	Requirement to reduce speed to avoid collisions with persons, vehicles, or other conveyances		-	<a href="#">20-141 (m)</a>		2013-0360		
Vehicles (other)	Requirement to use lighted lamps or lanterns projecting a white light or reflectors approved by the Commissioner of Motor Vehicles		-	<a href="#">20-129 (f)</a>		2017-0211		
Vehicles (parked)	Requirement to notify owner if involved in a crash			<a href="#">20-166.1 (c)</a>		2016-0090		
Vehicles (Parks and Recreation)	Speed limits not applicable to vehicles operated by Parks and Recreation when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (passengers)	Prohibition against overloading and/or overcrowding		-	<a href="#">20-140.2</a>		1973-1330		
Vehicles (passengers)	Requirement for drivers of any motor vehicle carrying passengers for compensation, and any motor vehicle with a capacity of 16 or more persons, to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		
Vehicles (permits)	Movement and travel requirements, day and time restrictions, self-propelled equipment, attachments, speeds, traffic and weather considerations, loading, parking, obstructions, safety devices, escort vehicles				<a href="#">2D.0607</a>	2012-0801		
Vehicles (permits)	NCDOT authority to issue permits for the operation or movement of vehicles of excessive size or weight; restrictions; fees; violations; penalties; exceptions; transport and delivery of a manufactured or modular home with a maximum width of sixteen (16) feet; safety and safety equipment; escort driver training and certification program; agricultural equipment and machinery; boats and boat trailers; steel coils		-	<a href="#">20-119</a>		2017-0097		

Vehicles (platoons)	NCDOT authority to allow platoons by traffic ordinance; definition of platoons		-	<a href="#">20-152 (c)</a>		2017-0169		<a href="#">TEPPL Topic H-11</a>
Vehicles (plug-in electric)	Exempt from high occupancy vehicle (HOV) lane restrictions		-	<a href="#">20-146.2 (a)</a>		2012-0194		
Vehicles (pole carrier)	Restrictions on extended loads; self-propelled vehicles; rear overhangs; lights; exceptions		-	<a href="#">20-116 (f)</a>		2015-0286		
Vehicles (public service)	Definition			<a href="#">20-157 (f)</a>		2019-0157		<a href="#">TEPPL Topic E-11</a>
Vehicles (railroads)	Requirement for vehicles to stop at railroad crossings if signals, gates, or a human flagman are active, or if trains or on-track equipment are approaching; prohibition to circumnavigate crossing gates and barriers; penalties; commercial motor vehicle employers			<a href="#">20-142.1</a>		2019-0036		
Vehicles (rear lamps)	Requirements		-	<a href="#">20-129 (d)</a>		2017-0211		
Vehicles (records)	Definitions (personal information)		<a href="#">18 USC 2725</a>			2000-1023		
Vehicles (records)	Prohibition of release (personal information)			20-43.1		2016-0090		
Vehicles (records)	Prohibition on release and use of certain personal information from State motor vehicle records		<a href="#">18 USC 2721</a>			2000-1023		
Vehicles (recreational)	Length restrictions		-	<a href="#">20-116 (d) (3)</a>		2015-0286		
Vehicles (refuse)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Vehicles (rescue squads)	Exceptions for law enforcement, fire, ambulances, and rescue squads to cross medians of divided highways		-	<a href="#">20-140.3 (7)</a>		1999-0330		<a href="#">TEPPL Topic M-06</a>
Vehicles (rescue squads)	Speed limits not applicable to rescue squads when traveling in the performances of their duties; exception			<a href="#">20-145</a>		2015-0241		
Vehicles (right-hand-drive)	Requirements		-	<a href="#">20-154 (c)</a>		2016-0090		
Vehicles (right-of-way)	Yielding requirements; pedestrians, crosswalks; traffic circles; vehicles			<a href="#">20-155</a>		1973-1330		
Vehicles (rollers)	Prohibition against operating rollers upon or across railroad crossings; requirements; exceptions; commercial motor vehicle employers			<a href="#">20-142.4</a>		2019-0036		

Vehicles (school activity buses)	Exception from maximum statutory speed limits			<a href="#">20-141 (b)</a>		2013-0360		
Vehicles (school activity buses)	Qualifications of drivers, speed limits, penalties		-	<a href="#">20-218</a>		2009-0550		
Vehicles (school buses)	Automated school bus safety cameras may be used to detect and prosecute violations of this section		-	<a href="#">20-217 (h)</a>		2019-0243		
Vehicles (school buses)	Definition		-	<a href="#">20-217 (b)</a>		2019-0243		
Vehicles (school buses)	Exception from maximum statutory speed limits			<a href="#">20-141 (b)</a>		2013-0360		
Vehicles (school buses)	Exception to vehicle passing restriction: dividing spaces and physical barriers		-	<a href="#">20-217 (c)</a>		2019-0243		
Vehicles (school buses)	Qualifications of drivers, speed limits, penalties		-	<a href="#">20-218</a>		2009-0550		
Vehicles (school buses)	Requirement for drivers of school buses to stop prior to crossing railroads; requirements; exceptions; penalties; commercial motor vehicle employers			<a href="#">20-142.3</a>		2019-0036		
Vehicles (school buses)	Stopping requirements, mechanical stop signals and flashing red lights, definitions, dividing spaces and physical barriers, automated school bus safety cameras, exceptions, violations, penalties			<a href="#">20-217</a>		2019-0243		
Vehicles (school buses)	Unlawful to receive or discharge passenger where roadways have dividing spaces or physical barriers if passengers are required to cross the roadway; exception		-	<a href="#">20-217 (d)</a>		2019-0243		
Vehicles (school buses)	Vehicles approaching (from any direction) a school bus displaying its mechanical stop signal or flashing red lights must stop until all indicators have ceased and the bus has started to move		-	<a href="#">20-217 (a)</a>		2019-0243		
Vehicles (self-propelled)	Restrictions on extended loads; self-propelled vehicles; rear overhangs; lights; exceptions		-	<a href="#">20-116 (f)</a>		2015-0286		
Vehicles (semitrailers)	Requirements		-	<a href="#">20-123 (b)</a>		1997-0148		
Vehicles (semitrailers)	Safety chains or cables		-	<a href="#">20-123 (c)</a>		1997-0148		
Vehicles (semitrailers)	Shall display warning devices if disabled upon any portion of a highway		-	<a href="#">20-161 (c)</a>		2015-0231		

Vehicles (service stations)	<b>REPEALED:</b> Vehicles served by service station				<a href="#">2E.0406</a>	2019-0701	Repealed effective 7/1/2019	
Vehicles (signals)	Starting, stopping or turning; violations; requirements; right-hand-drive vehicles		-	<a href="#">20-154</a>		2016-0090		
Vehicles (size)	Exemptions for firefighting equipment; conditions; requirements for safety equipment; definitions			20-118.4		2012-0078		
Vehicles (slow-moving)	Required to use pull off areas (includes trucks and buses)		-	<a href="#">136-18.4</a>		1994-0024es		<a href="#">TEPPL Topic S-27</a>
Vehicles (snow plows)	Width restrictions; exceptions; requirements		-	<a href="#">20-116 (p)</a>		2015-0286		
Vehicles (solid waste)	Allowed to park or be left standing on paved roadways where posted speed limits are 45 MPH or greater while engaged in collecting garbage or recyclable material		-	<a href="#">20-161 (a1)</a>		2015-0231		
Vehicles (solid waste)	Allowed to park or be left standing on roadways where posted speed limits are less than 45 MPH while engaged in collecting garbage or recyclable material		-	<a href="#">20-161 (a)</a>		2015-0231		
Vehicles (state-owned)	NCDOA authority to adopt, with approval of the Governor, and to enforce rules and to coordinate policies regarding assignments, use, and reimbursement of state-owned passenger motor vehicles			143-341 (8) (i) (7a)		2020-0090		
Vehicles (stop lamps)	Requirements		-	<a href="#">20-129 (g)</a>		2017-0211		
Vehicles (towed)	Requirements		-	<a href="#">20-123 (b)</a>		1997-0148		
Vehicles (towed)	Safety chains or cables		-	<a href="#">20-123 (c)</a>		1997-0148		
Vehicles (trailers)	Exemptions for rear lamps, reflectors, requirements		-	<a href="#">20-129 (d)</a>		2017-0211		
Vehicles (trailers)	Requirements		-	<a href="#">20-123 (b)</a>		1997-0148		
Vehicles (trailers)	Safety chains or cables		-	<a href="#">20-123 (c)</a>		1997-0148		
Vehicles (trailers)	Shall display warning devices if disabled upon any portion of a highway		-	<a href="#">20-161 (c)</a>		2015-0231		
Vehicles (truck routes)	NCDOT authority to designate truck routes; specifics; penalties; exceptions		-	<a href="#">20-116 (h)</a>		2015-0286		
Vehicles (truck tractors)	Shall display warning devices if disabled upon any portion of a highway		-	<a href="#">20-161 (c)</a>		2015-0231		
Vehicles (trucks)	Loads required to be fastened; specifications; penalties		-	<a href="#">20-120</a>		1994-0024es		

Vehicles (trucks)	NCDOT authority to designate and mark truck routes		-	<a href="#">20-141 (i)</a>		2013-0360		
Vehicles (trucks)	Shall display warning devices if disabled upon any portion of a highway		-	<a href="#">20-161 (c)</a>		2015-0231		
Vehicles (unattended)	Prohibition against standing unless stopping the engine, setting the brake and (if on a grade) turning the front wheels to the curb or side of highway		-	<a href="#">20-163</a>		1973-1330		
Vehicles (unattended)	Requirement to notify owner if involved in a crash			<a href="#">20-166.1 (c)</a>		2016-0090		
Vehicles (UNC System)	Regulation and registration authority on university property		-	<a href="#">116-44.4</a>		2006-0203		
Vehicles (utility)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Vehicles (vehicle transporters)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Vehicles (weigh stations)	NCDOT shall be responsible for the maintenance and upkeep of all permanent weigh stations			<a href="#">20-183.9</a>		2011-0145		
Vehicles (weights)	Definitions, weight limitations, light traffic roads, exceptions, NCDOT authority, penalties, tolerances		-	<a href="#">20-118</a>	-	2018-0142		
Vehicles (weights)	Exemptions for firefighting equipment; conditions; requirements for safety equipment; definitions			20-118.4		2012-0078		
Vehicles (weights)	NCDOT authority to designate truck routes; specifics; penalties; exceptions		-	<a href="#">20-116 (h)</a>		2015-0286		
Vehicles (weights)	Vehicle weight limitations on interstates		<a href="#">23 USC 127</a>	-	-	2015-1218		
Vehicles (widths)	Allowed to operate; restrictions; limitations on widths		-	<a href="#">20-115.1 (c)</a>		2008-0221		
Vehicles (widths)	Restrictions on the widths of vehicles and loads; restrictions on the height and length of vehicles; exceptions		-	<a href="#">20-116</a>		2015-0286		
Vehicles (windshield wipers)	Requirement to use headlamps when windshield wipers are in use		-	<a href="#">20-129 (a) (4)</a>		2017-0211		<a href="#">TEPPL Topic H-04</a>

Vehicles (wreckers)	Restrictions on the number of units and length of combination vehicles; exceptions; lamps; refuse and street rubbish; saddle mounts		-	<a href="#">20-116 (e)</a>		2015-0286		
Walkways (right-of-way)	Pedestrians' right-of-way on sidewalks and walkways when vehicles emerging from alleys, entrances, private roads, and driveways			<a href="#">20-173 (c)</a>		1973-1330		
Weigh Stations (maintenance)	NCDOT shall be responsible for the maintenance and upkeep of all permanent weigh stations			<a href="#">20-183.9</a>		2011-0145		
Weights (bridges)	Gross weight limits determination by Chief Engineer or designee, required to be posted at each end of the bridge				4A.0105	2012-1201		
Weights (bridges)	Inspection of bridges, temporary lowering of authorized weight limits, closures, duration, analysis				2D.0408	1978-0701		
Weights (light traffic roads)	Maximum axle weight, record keeping, status reviews, exceptions				4A.0106	1993-1201		
Weights (loads)	Definitions, weight limitations, light traffic roads, exceptions, NCDOT authority, penalties, tolerances		-	<a href="#">20-118</a>	-	2018-0142		
Weights (loads)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Weights (permits)	Weights, bridges, bonds, single items, annual, single trip, non-divisible loads, superloads, houses, mobile or modular homes				<a href="#">2D.0602</a>	2002-0801		
Weights (secondary roads)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Weights (speeds)	NCDOT authority to allow higher weight limitations at reduced speeds when transporting property on the secondary system		-	<a href="#">20-118.2</a>		1977-0464		
Weights (vehicles)	Definitions, weight limitations, light traffic roads, exceptions, NCDOT authority, penalties, tolerances		-	<a href="#">20-118</a>	-	2018-0142		

Weights (vehicles)	NCDOT and local authorities may prohibit vehicles, or restrict the weights of vehicles, by ordinance on their respective highway systems due to climatic conditions; requirement for signs		-	<a href="#">20-121</a>		1977-0464		<a href="#">TEPPL Topic H-11</a>
Weights (vehicles)	Vehicle weight limitations on interstates		<a href="#">23 USC 127</a>	-	-	2015-1218		
Welcome Centers (approval for use)	<b>REPEALED:</b> Approval for use of rest areas and welcome centers				2D.0413	1986-0801	Repealed effective 8/1/1986	
Welcome Centers (authority)	<b>REPEALED:</b> Authority for rest areas and welcome centers				2D.0412	1986-0801	Repealed effective 8/1/1986	
Welcome Centers (commercial enterprises)	NCDOT authority to issue rules and regulations regarding materials displayed at welcome centers		-	<a href="#">136-89.56</a>		2015-0239		
Welcome Centers (contracts)	The construction of welcome center buildings deemed highway construction, maintenance, or repair			136-28.1 (d)		2018-0005		
Welcome Centers (newspaper distributions)	Compliance with the Division of Services to the Blind, Department of Human Resources				2E.0906	1991-1001		
Welcome Centers (newspaper distributions)	Distribution of newspapers, Division of Services to the Blind, Department of Human Resources, prohibitions				2E.0901	1991-1001		
Welcome Centers (newspaper distributions)	Distribution of newspapers, permits, indemnification				2E.0903	1991-1001		
Welcome Centers (newspaper distributions)	Distribution of newspapers, permits, process, requirements, nonconformance, noncompliance				2E.0902	1991-1001		
Welcome Centers (newspaper distributions)	Location, installation, and maintenance of dispensers				2E.0904	1991-1001		
Welcome Centers (newspaper distributions)	Violations, non-compliance, process, appeals				2E.0905	1993-1201		
Welcome Centers (refreshments)	Authority of civic, nonprofit, and charitable corporations and organizations to serve nonalcoholic refreshments at rest areas and welcome centers located on control-access facilities; conditions; permits; violations; advertising; signs; rules and regulations		-	<a href="#">136-89.59</a>		2012-0085		

Welcome Centers (solicitation of contributions)	Authority to solicit contributions by religious, non-profit charitable, and educational organizations; clarifications, restrictions, prohibitions				2E.0801	1993-1201		
Welcome Centers (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; permits, process, requirements				2E.0802	2012-1201		
Welcome Centers (solicitation of contributions)	Religious, non-profit charitable, and educational organizations; requirements, limitations, prohibitions				2E.0803	2012-1201		
Welcome Centers (solicitation of contributions)	Revocations, appeals, process				2E.0804	1993-1201		
Wireless Facilities (definitions)	Definitions		-	160D-931	-	2020-0025		
Wireless Facilities (definitions)	<b><u>REPEALED:</u></b> Definitions		-	160A-400.51	-	2019-0111	Repealed effective 6/19/2020	
Wireless Facilities (rules)	NCDOT (authority for rules, regulations, ordinances)		-	<a href="#">136-18 (10)</a>		2019-0199		
Work Zones (speeding penalty)	Definition; violations; penalties; signs; Secretary of Transportation requirements; engineering reviews		-	<a href="#">20-141 (j2)</a>		2013-0360		<a href="#">TEPPL Topic W-25</a>



## **CODE OF FEDERAL REGULATIONS (CFR)**

[23 CRR 658 – Truck Size and Weight, Route Designations – Length, Width and Weight Limitations](#)

[49 CFR 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance](#)

[49 CFR 393 – Parts and Accessories Necessary for Safe Operation](#)

[49 CFR 571 – Federal Motor Vehicle Safety Standards](#)

## **UNITES STATES CODE (USC)**

[18 USC 2721 – Prohibition on release and use of certain personal information from State motor vehicle records](#)

[18 USC 2725 – Definitions](#)

[23 USC 127 – Vehicle Weight Limitations – Interstate System](#)

[23 USC 131 – Control of Outdoor Advertising](#)

[23 USC 135 – Statewide and NonMetropolitan Transportation Planning](#)

[29 USC 791 – Employment of Individuals with Disabilities](#)

[49 USC 2311 – Length Limitations \(recodified as 49 USC 31111 and 49 USC 31112\)](#)

[49 USC 2316 – Width Limitations \(recodified as 49 USC 31113\)](#)

[49 USC 31111 – Length Limitations \(recodified from 49 USC 2311\)](#)

[49 USC 31112 – Property-Carrying Unit Limitations \(recodified from 49 USC 2311\)](#)

[49 USC 31113 – Width Limitations \(recodified from 49 USC 2316\)](#)

## NORTH CAROLINA GENERAL STATUTES (NCGS)

### § 14-145. Unlawful posting of advertisements.

Any person who in any manner paints, prints, places, or affixes, or causes to be painted, printed, placed, or affixed, any business or commercial advertisement on or to any stone, tree, fence, stump, pole, automobile, building, or other object, which is the property of another without first obtaining the written consent of such owner thereof, or who in any manner paints, prints, places, puts, or affixes, or causes to be painted, printed, placed, or affixed, such an advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building or other object within the limits of a public highway, shall be guilty of a Class 3 misdemeanor. (Ex. Sess. 1924, c. 109; 1993, c. 539, s. 84; 1994, Ex. Sess., c. 24, s. 14(c).)

### § 14-399. Littering.

(a) No person, including any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street or alley except:

- (1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or
- (2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

(a1) No person, including any firm, organization, private corporation, or governing body, agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley except:

- (1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this purpose; or
- (2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

(a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A-290(18a), during the automated loading of a vehicle designed and constructed to transport municipal solid waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.

(b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed the offense. This presumption, however, does not apply to a vehicle transporting nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, wood chips, and raw logs.

(c) Any person who violates subsection (a) of this section in an amount not exceeding 15 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000) for the first offense. In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a) of this section in an amount not exceeding 15 pounds and not for commercial purposes within three years after the date of a prior violation is a Class 3 misdemeanor punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court may require the violator to perform community service of not less than 16 hours nor more than 50 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.

(c1) Any person who violates subsection (a1) of this section in an amount not exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100.00). In addition, the court may require the violator to perform community service of not less than four hours nor more than 12 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a prior violation is an infraction punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. For purposes of this subsection, the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips.

(d) Any person who violates subsection (a) of this section in an amount exceeding 15 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court shall require the violator to perform community service of not less than 24 hours nor more than 100 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other community service commensurate with the offense committed.

(d1) Any person who violates subsection (a1) of this section in an amount exceeding 15 pounds but not exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.

(e) Any person who violates subsection (a) of this section in an amount exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class I felony.

(e1) Any person who violates subsection (a1) of this section in an amount exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than three hundred dollars (\$300.00). In addition, the court may require the violator to perform community service of not less than 16 hours nor more than 50 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed.

(e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding 15 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous waste as defined in G.S. 130A-290, the court shall order the violator to:

- (1) Remove, or render harmless, the litter that he discarded in violation of this section;
- (2) Repair or restore property damaged by, or pay damages for any damage arising out of, his discarding litter in violation of this section; or
- (3) Perform community public service relating to the removal of litter discarded in violation of this section or to the restoration of an area polluted by litter discarded in violation of this section.

(f) A court may enjoin a violation of this section.

(f1) If a violation of subsection (a) of this section involves the operation of a motor vehicle, upon a finding of guilt, the court shall forward a record of the finding to the Department of Transportation, Division of Motor Vehicles, which shall record a penalty of one point on the violator's drivers license pursuant to the point system established by G.S. 20-16. There shall be no insurance premium surcharge or assessment of points under the classification plan adopted under G.S. 58-36-65 for a finding of guilt under this section.

(g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than 500 pounds of litter in violation of subsection (a) of this section is declared contraband and is subject to seizure and summary forfeiture to the State.

(h) If a person sustains damages arising out of a violation of subsection (a) of this section that is punishable as a felony, a court, in a civil action for the damages, shall order the person to pay the injured party threefold the actual damages or two hundred dollars (\$200.00), whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees.

(i) For the purpose of the section, unless the context requires otherwise:

- (1) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly, but does not include a parachute or any other device used primarily as safety equipment.
- (2) Repealed by Session Laws 1999-454, s. 1.
- (2a) "Commercial purposes" means litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.
- (3) "Law enforcement officer" means any law enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C or 17E of the General Statutes, except company police officers as defined in G.S. 74E-6(b)(3). In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipality designated by the county or municipality as a litter enforcement officer.
- (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part,

building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

(5) "Vehicle" has the same meaning as in G.S. 20-4.01(49).

(6) "Watercraft" means any boat or vessel used for transportation across the water.

(j) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(k) This section does not limit the authority of any State or local agency to enforce other laws, rules or ordinances relating to litter or solid waste management. (1935, c. 457; 1937, c. 446; 1943, c. 543; 1951, c. 975, s. 1; 1953, cc. 387, 1011; 1955, c. 437; 1957, cc. 73, 175; 1959, c. 1173; 1971, c. 165; 1973, c. 877; 1977, c. 887, s. 1; 1979, c. 1065, s. 1; 1983, c. 890; 1987, cc. 208, 757; 1989, c. 784, ss. 7.1, 8; 1991, c. 609, s. 1; c. 720, s. 49; c. 725, s. 1; 1993, c. 539, ss. 266, 267, 1241; 1994, Ex. Sess., c. 24, s. 14(c); 1997-518, s. 1; 1998-217, s. 2; 1999-294, s. 4; 1999-454, s. 1; 2001-512, s. 1; 2018-5, s. 17.1(a).)

#### **§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

(1) Airbag. - A motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(1a) Alcohol. - Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(1b) Alcohol Concentration. - The concentration of alcohol in a person, expressed either as:

a. Grams of alcohol per 100 milliliters of blood; or

b. Grams of alcohol per 210 liters of breath.

The results of a defendant's alcohol concentration determined by a chemical analysis of the defendant's breath or blood shall be reported to the hundredths. Any result between hundredths shall be reported to the next lower hundredth.

(1c) All-Terrain Vehicle or ATV. - A motorized vehicle 50 inches or less in width that is designed to travel on three or more low-pressure tires and manufactured for off-highway use. The terms "all-terrain vehicle" or "ATV" do not include a golf cart or a utility vehicle, as defined in this section, or a riding lawn mower.

(1d) Business District. - The territory prescribed as such by ordinance of the Board of Transportation.

(2) Canceled. - As applied to drivers' licenses and permits, a declaration that a license or permit which was issued through error or fraud, or to which G.S. 20-15(a) applies, is void and terminated.

- (2a) Class A Motor Vehicle. - A combination of motor vehicles that meets either of the following descriptions:
  - a. Has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
  - b. Has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (2b) Class B Motor Vehicle. - Any of the following:
  - a. A single motor vehicle that has a GVWR of at least 26,001 pounds.
  - b. A combination of motor vehicles that includes as part of the combination a towing unit that has a GVWR of at least 26,001 pounds and a towed unit that has a GVWR of less than 10,001 pounds.
- (2c) Class C Motor Vehicle. - Any of the following:
  - a. A single motor vehicle not included in Class B.
  - b. A combination of motor vehicles not included in Class A or Class B.
- (3) Repealed by Session Laws 1979, c. 667, s. 1.
- (3a) Chemical Analysis. - A test or tests of the breath, blood, or other bodily fluid or substance of a person to determine the person's alcohol concentration or presence of an impairing substance, performed in accordance with G.S. 20-139.1, including duplicate or sequential analyses.
- (3b) Chemical Analyst. - A person granted a permit by the Department of Health and Human Services under G.S. 20-139.1 to perform chemical analyses.
- (3c) Commercial Drivers License (CDL). - A license issued by a state to an individual who resides in the state that authorizes the individual to drive a class of commercial motor vehicle. A "nonresident commercial drivers license (NRCDL)" is issued by a state to an individual who resides in a foreign jurisdiction.
- (3d) Commercial Motor Vehicle. - Any of the following motor vehicles that are designed or used to transport passengers or property:
  - a. A Class A motor vehicle that has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
  - b. A Class B motor vehicle.
  - c. A Class C motor vehicle that meets either of the following descriptions:
    - 1. Is designed to transport 16 or more passengers, including the driver.
    - 2. Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.
  - d. Repealed by Session Laws 1999, c. 330, s. 9, effective December 1, 1999.
- (4) Commissioner. - The Commissioner of Motor Vehicles.
- (4a) Conviction. - A conviction for an offense committed in North Carolina or another state:
  - a. In-State. When referring to an offense committed in North Carolina, the term means any of the following:

1. A final conviction of a criminal offense, including a no contest plea.
  2. A determination that a person is responsible for an infraction, including a no contest plea.
  3. An unvacated forfeiture of cash in the full amount of a bond required by Article 26 of Chapter 15A of the General Statutes.
  4. A third or subsequent prayer for judgment continued within any five-year period.
  5. Any prayer for judgment continued if the offender holds a commercial drivers license or if the offense occurs in a commercial motor vehicle.
- b. Out-of-State. When referring to an offense committed outside North Carolina, the term means any of the following:
1. An unvacated adjudication of guilt.
  2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal.
  3. An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
  4. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
  5. A final conviction of a criminal offense, including a no contest plea.
  6. Any prayer for judgment continued, including any payment of a fine or court costs, if the offender holds a commercial drivers license or if the offense occurs in a commercial motor vehicle.
- (4b) Counterfeit supplemental restraint system component. - A replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle, without authorization from the manufacturer or supplier.
- (4c) Crash. - Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous.
- (5) Dealer. - Every person engaged in the business of buying, selling, distributing, or exchanging motor vehicles, trailers, or semitrailers in this State, and having an established place of business in this State.
- The terms "motor vehicle dealer," "new motor vehicle dealer," and "used motor vehicle dealer" as used in Article 12 of this Chapter have the meaning set forth in G.S. 20-286.
- (5a) Dedicated natural gas vehicle. - A four-wheeled motor vehicle that meets each of the following requirements:
- a. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration standards included in 49 C.F.R. § 571.

- b. Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
  - c. Is powered solely by natural gas.
  - d. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
  - e. Has a maximum speed capability of at least 65 miles per hour.
- (5b) Disqualification. - A withdrawal of the privilege to drive a commercial motor vehicle.
- (6) Division. - The Division of Motor Vehicles acting directly or through its duly authorized officers and agents.
- (7) Driver. - The operator of a vehicle, as defined in subdivision (25). The terms "driver" and "operator" and their cognates are synonymous.
- (7a) Electric Assisted Bicycle. - A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.
- (7b) Electric Personal Assistive Mobility Device. - A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.
- (7c) Employer. - Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle and would be subject to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and also includes any consortium or third-party administrator administering the alcohol and controlled substance testing program on behalf of owner-operators subject to the provisions of 49 C.F.R. § 382.
- (8) Essential Parts. - All integral and body parts of a vehicle of any type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
- (9) Established Place of Business. - Except as provided in G.S. 20-286, the place actually occupied by a dealer or manufacturer at which a permanent business of bargaining, trading, and selling motor vehicles is or will be carried on and at which the books, records, and files necessary and incident to the conduct of the business of automobile dealers or manufacturers shall be kept and maintained.
- (10) Explosives. - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.
- (11) Farm Tractor. - Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.



- (11a) For-Hire Motor Carrier. - A person who transports passengers or property by motor vehicle for compensation.
- (12) Foreign Vehicle. - Every vehicle of a type required to be registered hereunder brought into this State from another state, territory, or country, other than in the ordinary course of business, by or through a manufacturer or dealer and not registered in this State.
- (12a) Fuel cell electric vehicle. - A four-wheeled motor vehicle that does not have the ability to be propelled by a gasoline engine and that meets each of the following requirements:
  - a. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration standards included in 49 C.F.R. § 571.
  - b. Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
  - c. Uses hydrogen and a fuel cell to produce electricity on board to power an electric motor to propel the vehicle.
  - d. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
  - e. Has a maximum speed capability of at least 65 miles per hour.
- (12b) Golf Cart. - A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.
- (12c) Gross Combination Weight Rating (GCWR). - Defined in 49 C.F.R. § 390.5.
- (12d) Gross Combined Weight (GCW). - The total weight of a combination (articulated) motor vehicle, including passengers, fuel, cargo, and attachments.
- (12e) Gross Vehicle Weight (GVW). - The total weight of a vehicle, including passengers, fuel, cargo, and attachments.
- (12f) Gross Vehicle Weight Rating (GVWR). - The value specified by the manufacturer as the maximum loaded weight a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles for the purpose of enforcing this Chapter. For the purpose of classification of commercial drivers license and skills testing, the manufacturer's GVWR shall be used.
- (12g) Hazardous Materials. - Any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of Part 172 of Title 49 of the Code of Federal Regulations, or any quantity of a material listed as a select agent or toxin under Part 73 of Title 42 of the Code of Federal Regulations.
- (12h) High-Mobility Multipurpose Wheeled Vehicle (HMMWV). - A four-wheel drive vehicle produced for military or government use and commonly referred to as a "HMMWV" or "Humvee".

- (13) Highway. - The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.
- (14) House Trailer. - Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle. This term shall not include a manufactured home as defined in subdivision (18a) of this section.
- (14a) Impairing Substance. - Alcohol, controlled substance under Chapter 90 of the General Statutes, any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.
- (15) Implement of Husbandry. - Every vehicle which is designed for agricultural purposes and used exclusively in the conduct of agricultural operations.
- (15a) Inoperable Vehicle. - A motor vehicle that is substantially disassembled and for this reason is mechanically unfit or unsafe to be operated or moved upon a public street, highway, or public vehicular area.
- (16) Intersection. - The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other.

Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (17) License. - Any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this State including:
  - a. Any temporary license or learner's permit;
  - b. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
  - c. Any nonresident's operating privilege.
- (18) Local Authorities. - Every county, municipality, or other territorial district with a local board or body having authority to adopt local police regulations under the Constitution and laws of this State.
- (18a) Manufactured Home. - Defined in G.S. 143-143.9(6).
- (19) Manufacturer. - Every person, resident, or nonresident of this State, who manufactures or assembles motor vehicles.
- (20) Manufacturer's Certificate. - A certification on a form approved by the Division, signed by the manufacturer, indicating the name of the person or dealer to whom the therein-described vehicle is transferred, the date of transfer and that such vehicle is the first transfer of such vehicle in ordinary trade and commerce. The description of the vehicle shall include the make, model, year, type of body, identification number or numbers, and such other information as the Division may require.
- (21) Metal Tire. - Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

- (21a) Repealed by Session Laws 2016-90, s. 13(a), effective December 1, 2016, and applicable to offenses committed on or after that date.
- (21b) Motor Carrier. - A for-hire motor carrier or a private motor carrier.
- (22) Motorcycle. - A type of passenger vehicle as defined in G.S. 20-4.01(27).
- (23) Motor Vehicle. - Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds or electric assisted bicycles.
- (23a) Nonfunctional airbag. - A replacement airbag that meets any of the following criteria:
  - a. The airbag was previously deployed or damaged.
  - b. The airbag has an electric fault that is detected by the vehicle's airbag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred.
  - c. The airbag includes a part or object, including a supplemental restraint system component that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.
  - d. The airbag is subject to the prohibitions of 49 U.S.C. § 30120(j).
- (24) Nonresident. - Any person whose legal residence is in some state, territory, or jurisdiction other than North Carolina or in a foreign country.
- (24a) Offense Involving Impaired Driving. - Any of the following offenses:
  - a. Impaired driving under G.S. 20-138.1.
  - b. Any offense set forth under G.S. 20-141.4 when conviction is based upon impaired driving or a substantially similar offense under previous law.
  - c. First or second degree murder under G.S. 14-17 or involuntary manslaughter under G.S. 14-18 when conviction is based upon impaired driving or a substantially similar offense under previous law.
  - d. An offense committed in another jurisdiction which prohibits substantially similar conduct prohibited by the offenses in this subsection.
  - e. A repealed or superseded offense substantially similar to impaired driving, including offenses under former G.S. 20-138 or G.S. 20-139.
  - f. Impaired driving in a commercial motor vehicle under G.S. 20-138.2, except that convictions of impaired driving under G.S. 20-138.1 and G.S. 20-138.2 arising out of the same transaction shall be considered a single conviction of an offense involving impaired driving for any purpose under this Chapter.
  - g. Habitual impaired driving under G.S. 20-138.5.
    - A conviction under former G.S. 20-140(c) is not an offense involving impaired driving.
- (24b) On-track equipment. - Any railcar, rolling stock, equipment, vehicle, or other device that is operated on stationary rails.

- (25) Operator. - A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms "operator" and "driver" and their cognates are synonymous.
- (25a) Out of Service Order. - A declaration that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service.
- (26) Owner. - A person holding the legal title to a vehicle, or in the event a vehicle is the subject of a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement, and with the immediate right of possession vested in the mortgagor, conditional vendee or lessee, said mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this Chapter. For the purposes of this Chapter, the lessee of a vehicle owned by the government of the United States shall be considered the owner of said vehicle.
- (27) Passenger Vehicles. -
  - a. Ambulances. - Vehicles equipped for transporting wounded, injured, or sick persons.
  - b. Autocycle. - A three-wheeled motorcycle that has a steering wheel, pedals, seat safety belts for each occupant, antilock brakes, completely or partially enclosed seating that does not require the operator to straddle or sit astride, and is otherwise manufactured to comply with federal safety requirements for motorcycles.
  - c. Child care vehicles. - Vehicles under the direction and control of a child care facility, as defined in G.S. 110-86(3), and driven by an owner, employee, or agent of the child care facility for the primary purpose of transporting children to and from the child care facility, or to and from a place for participation in an event or activity in connection with the child care facility.
  - d. Common carriers of passengers. - Vehicles operated under a certificate of authority issued by the Utilities Commission for operation on the highways of this State between fixed termini or over a regular route for the transportation of persons for compensation.
  - e. Excursion passenger vehicles. - Vehicles transporting persons on sight-seeing or travel tours.
  - f. For-hire passenger vehicles. - Vehicles transporting persons for compensation. This classification shall not include the following:
    - 1. Vehicles operated as ambulances.
    - 2. Vehicles operated by the owner where the costs of operation are shared by the passengers.
    - 3. Vehicles operated pursuant to a ridesharing arrangement as defined in G.S. 136-44.21.
    - 4. Vehicles transporting students for the public school system under contract with the State Board of Education.
    - 5. Vehicles leased to the United States of America or any of its agencies on a nonprofit basis.
    - 6. Vehicles used for human service.

- 7. Vehicles used for volunteer transportation.
- 8. Vehicles operated in a TNC service, excluding vehicles operated in connection with a brokering transportation network company, regulated under Article 10A of Chapter 20 of the General Statutes.
- g. Low-speed vehicle. - A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.
- g1. Mini-truck. - A motor vehicle designed, used, or maintained primarily for the transportation of property and having four wheels, an engine displacement of 660cc or less, an overall length of 130 inches or less, an overall height of 78 inches or less, and an overall width of 60 inches or less.
- g2. Modified utility vehicle. - A motor vehicle that (i) is manufactured or upfitted by a licensed manufacturer, dealer, or person or business otherwise engaged in vehicle manufacturing or modification for off-road use with equipment required by G.S. 20-121.1(2a), except a vehicle identification number, and (ii) has four wheels, an overall length of 110 inches or greater, an overall width of 58 inches or greater, an overall height of 60 inches or greater, a maximum speed capability of 40 miles per hour or greater, and does not require an operator or passenger to straddle a seat. "Modified utility vehicle" does not include an all-terrain vehicle, golf cart, or utility vehicle, as defined in this section, or a riding lawn mower.
- h. Motorcycles. - Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds as defined in sub-subdivision d1. of this subdivision.
- i. Motor-driven bicycle. - A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface. This term shall not include an electric assisted bicycle as defined in subdivision (7a) of this section.
- j. Moped. - A vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.
- k. Motor home or house car. - A vehicular unit, designed to provide temporary living quarters, built into as an integral part, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must provide at least four of the following facilities: cooking,

- l. Private passenger vehicles. - All other passenger vehicles not included in the above definitions.
- m. School activity bus. - A vehicle, generally painted a different color from a school bus, whose primary purpose is to transport school students and others to or from a place for participation in an event other than regular classroom work. The term includes a public, private, or parochial vehicle that meets this description.
- n. School bus. - A vehicle whose primary purpose is to transport school students over an established route to and from school for the regularly scheduled school day, that is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal, that is painted primarily yellow below the roofline, and that bears the plainly visible words "School Bus" on the front and rear. The term includes a public, private, or parochial vehicle that meets this description.
- o. U-drive-it passenger vehicles. - Passenger vehicles included in the definition of U-drive-it vehicles set forth in this section.

(28a) Personal delivery device. - An electrically powered device intended for transporting cargo that is equipped with automated driving technology that enables device operation with or without the remote support and supervision of a human and that does not exceed (i) a weight of 500 pounds, excluding cargo, (ii) a length of 40 inches, and (iii) a width of 30 inches.

- a. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration standards included in 49 C.F.R. § 571.
- b. Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
- c. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
- d. Has a maximum speed capability of at least 65 miles per hour.
- e. Draws electricity from a battery that has all of the following characteristics:
  1. A capacity of not less than four kilowatt hours.
  2. Capable of being recharged from an external source of electricity.

(29a) Private Motor Carrier. - A person who transports passengers or property by motor vehicle in interstate commerce and is not a for-hire motor carrier.

- (30) Private Road or Driveway. - Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.
- (31) Property-Hauling Vehicles. -
  - a. Vehicles used for the transportation of property.
  - b., c. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s. 4.
  - d. Semitrailers. - Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.
  - e. Trailers. - Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle, including "pole trailers" or a pair of wheels used primarily to balance a load rather than for purposes of transportation.
  - f. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s. 4.
- (31a) Provisional Licensee. - A person under the age of 18 years.
- (32) Public Vehicular Area. - Any area within the State of North Carolina that meets one or more of the following requirements:
  - a. The area is used by the public for vehicular traffic at any time, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of any of the following:
    - 1. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions.
    - 2. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space whether the business or establishment is open or closed.
    - 3. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).
  - b. The area is a beach area used by the public for vehicular traffic.
  - c. The area is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, whether or not the subdivision or community roads have been offered for dedication to the public.
  - d. The area is a portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4.
- (32a) Ramp Meter. - A traffic control device that consists of a circular red and circular green display placed at a point along an interchange entrance ramp.
- (32b) Recreational Vehicle. - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own

motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term shall not include a manufactured home as defined in G.S. 143-143.9(6). The basic entities are defined as follows:

- a. Camping trailer. - A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
  - b. Fifth-wheel trailer. - A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
  - c. Motor home. - As defined in G.S. 20-4.01(27)k.
  - d. Travel trailer. - A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.
  - e. Truck camper. - A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.
- (32c) Regular Drivers License. - A license to drive a commercial motor vehicle that is exempt from the commercial drivers license requirements or a noncommercial motor vehicle.
- (33) a. Flood Vehicle. - A motor vehicle that has been submerged or partially submerged in water to the extent that damage to the body, engine, transmission, or differential has occurred.
- b. Non-U.S.A. Vehicle. - A motor vehicle manufactured outside of the United States and not intended by the manufacturer for sale in the United States.
- c. Reconstructed Vehicle. - A motor vehicle of a type required to be registered hereunder that has been materially altered from original construction due to removal, addition or substitution of new or used essential parts; and includes glider kits and custom assembled vehicles.
- d. Salvage Motor Vehicle. - Any motor vehicle damaged by collision or other occurrence to the extent that the cost of repairs to the vehicle and rendering the vehicle safe for use on the public streets and highways would exceed seventy-five percent (75%) of its fair retail market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor. Fair market retail values shall be as found in the NADA Pricing Guide Book or other publications approved by the Commissioner.
- e. Salvage Rebuilt Vehicle. - A salvage vehicle that has been rebuilt for title and registration.



- f. Junk Vehicle. - A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered.
- (33a) Relevant Time after the Driving. - Any time after the driving in which the driver still has in his body alcohol consumed before or during the driving.
- (33b) Reportable Crash. - A crash involving a motor vehicle that results in one or more of the following:
  - a. Death or injury of a human being.
  - b. Total property damage of one thousand dollars (\$1,000) or more, or property damage of any amount to a vehicle seized pursuant to G. S. 20-28.3.
- (33c) Reserve components of the Armed Forces of the United States. - The organizations listed in Title 10 United States Code, section 10101, which specifically includes the Army and Air National Guard.
- (34) Resident. - Any person who resides within this State for other than a temporary or transitory purpose for more than six months shall be presumed to be a resident of this State; but absence from the State for more than six months shall raise no presumption that the person is not a resident of this State.
- (35) Residential District. - The territory prescribed as such by ordinance of the Department of Transportation.
- (36) Revocation or Suspension. - Termination of a licensee's or permittee's privilege to drive or termination of the registration of a vehicle for a period of time stated in an order of revocation or suspension. The terms "revocation" or "suspension" or a combination of both terms shall be used synonymously.
- (37) Road Tractors. - Vehicles designed and used for drawing other vehicles upon the highway and not so constructed as to carry any part of the load, either independently or as a part of the weight of the vehicle so drawn.
- (38) Roadway. - That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- (39) Safety Zone. - Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
- (40) Security Agreement. - Written agreement which reserves or creates a security interest.
- (41) Security Interest. - An interest in a vehicle reserved or created by agreement and which secures payments or performance of an obligation. The term includes but is not limited to the interest of a chattel mortgagee, the interest of a vendor under a conditional sales contract, the interest of a trustee under a chattel deed of trust, and the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally.
- (41a) Serious Traffic Violation. - A conviction of one of the following offenses when operating a commercial or other motor vehicle:

- a. Excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit.
  - b. Careless and reckless driving.
  - c. A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.
  - d. Improper or erratic lane changes.
  - e. Following the vehicle ahead too closely.
  - f. Driving a commercial motor vehicle without obtaining a commercial drivers license.
  - g. Driving a commercial motor vehicle without a commercial drivers license in the driver's possession.
  - h. Driving a commercial motor vehicle without the proper class of commercial drivers license or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported.
  - i. Unlawful use of a mobile telephone under G.S. 20-137.4A or Part 390 or Part 392 of Title 49 of the Code of Federal Regulations while operating a commercial motor vehicle.
- (42) Solid Tire. - Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- (43) Specially Constructed Vehicles. - Motor vehicles required to be registered under this Chapter and that fit within one of the following categories:
- a. Replica vehicle. - A vehicle, excluding motorcycles, that when assembled replicates an earlier year, make, and model vehicle.
  - b. Street rod vehicle. - A vehicle, excluding motorcycles, manufactured prior to 1949 that has been materially altered or has a body constructed from nonoriginal materials.
  - c. Custom-built vehicle. - A vehicle, including motorcycles, reconstructed or assembled by a nonmanufacturer from new or used parts that has an exterior that does not replicate or resemble any other manufactured vehicle. This category also includes any motorcycle that was originally sold unassembled and manufactured from a kit or that has been materially altered or that has a body constructed from nonoriginal materials.
- (44) Special Mobile Equipment. - Defined in G.S. 105-164.3.
- (44a) Specialty Vehicles. - Vehicles of a type required to be registered under this Chapter that are modified from their original construction for an educational, emergency services, or public safety use.
- (45) State. - A state, territory, or possession of the United States, District of Columbia, Commonwealth of Puerto Rico, a province of Canada, or the Sovereign Nation of the Eastern Band of the Cherokee Indians with tribal lands, as defined in 18 U.S.C. § 1151, located within the boundaries of the State of North Carolina. For provisions in this Chapter that apply to commercial drivers licenses, "state" means a state of the United States and the District of Columbia.

- (46) Street. - A highway, as defined in subdivision (13). The terms "highway" and "street" and their cognates are synonymous.
- (46a) Supplemental restraint system. - A passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. § 571.209, and includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:
  - a. The airbag operates as designed in the event of a crash.
  - b. The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.
- (47) Suspension. - Termination of a licensee's or permittee's privilege to drive or termination of the registration of a vehicle for a period of time stated in an order of revocation or suspension. The terms "revocation" or "suspension" or a combination of both terms shall be used synonymously.
- (48) Truck Tractors. - Vehicles designed and used primarily for drawing other vehicles and not so constructed as to carry any load independent of the vehicle so drawn.
- (48a) **(Effective until December 31, 2024)** U-drive-it vehicles. - The following vehicles that are either rented to a person, to be operated by that person, or loaned by a franchised motor vehicle dealer, with or without charge, to a customer of that dealer who is having a vehicle serviced or repaired by the dealer:
  - a. A private passenger vehicle other than the following:
    - 1. A private passenger vehicle of nine-passenger capacity or less that is rented for a term of one year or more.
    - 2. A private passenger vehicle that is rented to public school authorities for driver-training instruction.
  - b. A property-hauling vehicle under 7,000 pounds that does not haul products for hire and that is rented for a term of less than one year.
  - c. Motorcycles.
- (48a) **(Effective December 31, 2024)** U-drive-it vehicles. - The following vehicles that are rented to a person, to be operated by that person:
  - a. A private passenger vehicle other than the following:
    - 1. A private passenger vehicle of nine-passenger capacity or less that is rented for a term of one year or more.
    - 2. A private passenger vehicle that is rented to public school authorities for driver-training instruction.
  - b. A property-hauling vehicle under 7,000 pounds that does not haul products for hire and that is rented for a term of less than one year.
  - c. Motorcycles.
- (48b) Under the Influence of an Impairing Substance. - The state of a person having his physical or mental faculties, or both, appreciably impaired by an impairing substance.
- (48c) Utility Vehicle. - A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes.

"Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

- (49) Vehicle. - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include (i) an electric personal assistive mobility device as defined in subdivision (7b) of this section or (ii) a personal delivery device as defined by this section. Unless the context requires otherwise, and except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.
- (50) Wreckers. - Vehicles with permanently attached cranes used to move other vehicles; provided, that said wreckers shall be equipped with adequate brakes for units being towed. (1973, c. 1330, s. 1; 1975, cc. 94, 208; c. 716, s. 5; c. 743; c. 859, s. 1; 1977, c. 313; c. 464, s. 34; 1979, c. 39; c. 423, s. 1; c. 574, ss. 1-4; c. 667, s. 1; c. 680; 1981, c. 606, s. 3; c. 792, s. 2; 1983, c. 435, s. 8; 1983 (Reg. Sess., 1984), c. 1101, ss. 1-3; 1985, c. 509, s. 6; 1987, c. 607, s. 2; c. 658, s. 1; 1987 (Reg. Sess., 1988), c. 1069; c. 1105, s. 1; c. 1112, ss. 1-3; 1989, c. 455, ss. 1, 2; c. 727, s. 219(1); c. 771, ss. 1, 18; 1991, c. 449, s. 2; c. 726, ss. 1-4; 1991 (Reg. Sess., 1992), c. 1015, s. 1; 1993 (Reg. Sess., 1994), c. 761, s. 22; 1995, c. 191, s. 1; 1995 (Reg. Sess., 1996), c. 756, ss. 2-4; 1997-379, s. 5.1; 1997-443, s. 11A.8; 1997-456, s. 27; 1998-149, s. 1; 1998-182, ss. 1, 1.1, 26; 1998-217, s. 62(e); 1999-330, s. 9; 1999-337, s. 28(c)-(e); 1999-406, s. 14; 1999-452, ss. 1-5; 2000-155, s. 9; 2000-173, s. 10(c); 2001-212, s. 2; 2001-341, ss. 1, 2; 2001-356, ss. 1, 2; 2001-441, s. 1; 2001-487, ss. 50(a), 51; 2002-72, s. 19(b); 2002-98, ss. 1-3; 2003-397, s. 1; 2005-282, s. 1; 2005-349, ss. 1-3; 2006-253, s. 8; 2007-56, s. 4; 2007-382, ss. 2, 3; 2007-455, s. 1; 2007-493, s. 1; 2008-156, s. 1; 2009-274, s. 1; 2009-405, ss. 1, 4; 2009-416, ss. 1, 2; 2010-129, s. 1; 2011-95, s. 1; 2011-206, s. 1; 2013-410, s. 47.5; 2014-58, s. 10(a), (c), (d); 2014-115, s. 28.3; 2015-125, s. 1; 2015-163, s. 1; 2015-232, s. 1.1(a); 2015-237, s. 2; 2016-59, s. 1; 2016-90, ss. 12.5(a), 13(a); 2016-94, s. 35.20(a); 2017-69, s. 2.1(a); 2017-102, s. 5.2(a), (b); 2018-27, s. 4.5(b); 2018-42, s. 3(b); 2019-34, s. 1; 2019-36, s. 1; 2019-155, s. 1; 2019-227, s. 1(a), (b); 2020-40, s. 1; 2020-51, s. 1(b); 2020-73, s. 1; 2021-33, s. 1.)

**§ 20-37.6. Parking privileges for handicapped drivers and passengers.**

(a) General Parking. - Any vehicle that is driven by or is transporting a person who is handicapped and that displays a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard may be parked for unlimited periods in parking zones restricted as to the length of time parking is permitted. This provision has no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Any qualifying vehicle may park in spaces designated as restricted to vehicles driven by or transporting the handicapped.

(b) Handicapped Car Owners; Distinguishing License Plates. - If the handicapped person is a registered owner of a vehicle, the owner may apply for and display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate shall be notified by the Division at the time the plate is issued that the applicant is also eligible to receive one removable windshield placard and, upon request, shall be issued a placard at that time.

(c) Handicapped Drivers and Passengers; Distinguishing Placards. - A handicapped person may apply for the issuance of a removable windshield placard or a temporary removable windshield placard. Upon request, one additional placard may be issued to applicants who do not have a distinguishing license plate. Any organization which, as determined and certified by the State Vocational Rehabilitation Agency, regularly transports handicapped persons may also apply. These organizations may receive one removable windshield placard for each transporting vehicle. When the removable windshield or temporary removable windshield placard is properly displayed, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to subsection (b) shall apply. The removable windshield placard or the temporary removable windshield placard shall be displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle using a parking space allowed for handicapped persons. When there is no inside rearview mirror, or when the placard cannot reasonably be hung from the rearview mirror by the handicapped person, the placard shall be displayed on the driver's side of the dashboard. A removable windshield placard placed on a motorized wheelchair or similar vehicle shall be displayed in a clearly visible location. The Division shall establish procedures for the issuance of the placards and may charge a fee sufficient to pay the actual cost of issuance, but in no event less than five dollars (\$5.00) per placard. The Division shall issue a placard registration card with each placard issued to a handicapped person. The registration card shall bear the name of the person to whom the placard is issued, the person's address, the placard number, and an expiration date. The registration card shall be in the vehicle in which the placard is being used, and the person to whom the placard is issued shall be the operator or a passenger in the vehicle in which the placard is displayed.

(c1) Application and Renewal; Medical Certification. - The initial application for a distinguishing license plate, removable windshield placard, or temporary removable windshield placard shall be accompanied by a certification of a licensed physician, a licensed ophthalmologist, a licensed optometrist, a licensed physician assistant, a licensed nurse practitioner, or the Division of Services for the Blind that the applicant is handicapped or by a disability determination by the United States Department of Veterans Affairs that the applicant is handicapped. For an initial application for a temporary removable windshield placard only, the certification that the applicant is handicapped may be made by a licensed certified nurse midwife. The application for a temporary removable windshield placard shall contain additional certification to include the period of time the certifying authority determines the applicant will have the disability. Distinguishing license

plates shall be renewed annually, but subsequent applications shall not require a medical certification that the applicant is handicapped. Removable windshield placards shall be renewed every five years, and, except for a person certified as totally and permanently disabled at the time of the initial application or a prior renewal under this subsection, the renewal shall require a medical recertification that the person is handicapped; provided that a medical certification shall not be required to renew any placard that expires after the person to whom it is issued is 80 years of age. Temporary removable windshield placards shall expire no later than six months after issuance.

(c2) Existing Placards; Expiration; Exchange for New Placards. - All existing placards shall expire on January 1, 1992. No person shall be convicted of parking in violation of this Article by reason of an expired placard if the defendant produces in court, at the time of trial on the illegal parking charge, an expired placard and a renewed placard issued within 30 days of the expiration date of the expired placard and which would have been a defense to the charge had it been issued prior to the time of the alleged offense. Existing placards issued on or after July 1, 1989, may be exchanged without charge for the new placards.

(c3) It shall be unlawful to sell a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard issued pursuant to this section. A violation of this subsection shall be a Class 2 misdemeanor and may be punished pursuant to G.S. 20-176(c) and (c1).

(d) Designation of Parking Spaces. - Designation of parking spaces for handicapped persons on streets and public vehicular areas shall comply with G.S. 136-30. A sign designating a parking space for handicapped persons shall state the maximum penalty for parking in the space in violation of the law. For purposes of this section, a parking space designated for handicapped persons includes clearly marked access aisles, and all provisions, restrictions, and penalties applicable to parking in spaces designated for handicapped persons also apply to clearly marked access aisles.

(d1) Repealed by Session Laws 1991, c. 530, s. 4.

(e) Enforcement of Handicapped Parking Privileges. - It shall be unlawful:

- (1) To park or leave standing any vehicle in a space designated with a sign pursuant to subsection (d) of this section for handicapped persons when the vehicle does not display the distinguishing license plate, removable windshield placard, temporary removable windshield placard as provided in this section, a disabled veteran registration plate issued under G.S. 20-79.4, or a partially disabled veteran registration plate issued under G.S. 20-79.4;
- (2) For any person not qualifying for the rights and privileges extended to handicapped persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, removable windshield placard, or temporary removable windshield placard issued pursuant to the provisions of this section;
- (3) To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14;
- (4) For those responsible for designating parking spaces for the handicapped to erect or otherwise use signs not conforming to G.S. 20-37.6(d) for this purpose.

This section is enforceable in all public vehicular areas.

(f) Penalties for Violation. -

- (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00) and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be prima facie evidence in any court in the State of North Carolina that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with a violation of this section.
- (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty of at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00) and whenever evidence shall be presented in any court of the fact that a nonconforming sign is being used it shall be prima facie evidence in any court in the State of North Carolina that the person, firm, or corporation with ownership of the property where the nonconforming sign is located is responsible for violation of this section. Building inspectors and others responsible for North Carolina State Building Code violations specified in G.S. 143-138(h) where such signs are required by the Handicapped Section of the North Carolina State Building Code, may cause a citation to be issued for this violation and may also initiate any appropriate action or proceeding to correct such violation.
- (3) A law-enforcement officer, including a company police officer commissioned by the Attorney General under Chapter 74E of the General Statutes, or a campus police officer commissioned by the Attorney General under Chapter 74G of the General Statutes, may cause a vehicle parked in violation of this section to be towed. The officer is a legal possessor as provided in G.S. 20-161(d)(2). The officer shall not be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from a space pursuant to this section, except where the motor vehicle is willfully, maliciously, or negligently damaged in the removal from the space to a place of storage.
- (4) Notwithstanding any other provision of the General Statutes, the provisions of this section relative to handicapped parking shall be enforced by State, county, city and other municipal authorities in their respective jurisdictions whether on public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies. (1971, c. 374, s. 1; 1973, cc. 126, 1384; 1977, c. 340, s. 2; 1979, c. 632; 1981, c. 682, s. 7; 1983, c. 326, ss. 1, 2; 1985, c. 249; c. 586; c. 764, s. 24; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 843; 1989, c. 760, s. 3; 1989 (Reg. Sess., 1990), c. 1052, ss. 1-3.1; 1991, c. 411, s. 2; c. 530, s. 4; c. 672, s. 5; c. 726, s. 23; c. 761, s. 5; 1991 (Reg. Sess., 1992), c. 1007, s. 30; c. 1043, s. 4; 1993, c. 373, s. 1; 1994, Ex. Sess., c. 14, s. 31; 1999-265, s. 1; 2005-231, s. 11; 2009-493, s. 2; 2015-22, s. 1; 2015-29, s. 1; 2016-25, ss. 1, 2; 2017-111, s. 1; 2018-77, s. 4; 2019-199, s. 8.)

**§ 20-37.6. (Effective March 1, 2020) Parking privileges for handicapped drivers and passengers.**

(a) General Parking. - Any vehicle that is driven by or is transporting a person who is handicapped and that displays a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard may be parked for unlimited periods in parking zones restricted as to the length of time parking is permitted. This provision has no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Any qualifying vehicle may park in spaces designated as restricted to vehicles driven by or transporting the handicapped.

(b) Distinguishing License Plates. - If the registered owner of a vehicle is handicapped or the registered owner certifies that the registered owner is the guardian or parent of a handicapped person, the registered owner may apply for and display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate shall be notified by the Division at the time the plate is issued that the applicant is also eligible to receive one removable windshield placard and, upon request, shall be issued a placard at that time. A vehicle with a distinguishing license plate may be lawfully used when a handicapped person is not a driver or passenger so long as the vehicle is not using handicapped privileges including parking in a space designated with a sign pursuant to subsection (d) of this section.

(c) Distinguishing Placards. - A handicapped person may apply for the issuance of a removable windshield placard or a temporary removable windshield placard. Upon request, one additional placard may be issued to applicants who do not have a distinguishing license plate. Any organization which, as determined and certified by the State Vocational Rehabilitation Agency, regularly transports handicapped persons may also apply. These organizations may receive one removable windshield placard for each transporting vehicle. When the removable windshield or temporary removable windshield placard is properly displayed, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to subsection (b) shall apply. The removable windshield placard or the temporary removable windshield placard shall be displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle using a parking space allowed for handicapped persons. When there is no inside rearview mirror, or when the placard cannot reasonably be hung from the rearview mirror by the handicapped person, the placard shall be displayed on the driver's side of the dashboard. A removable windshield placard placed on a motorized wheelchair or similar vehicle shall be displayed in a clearly visible location. The Division shall establish procedures for the issuance of the placards and may charge a fee sufficient to pay the actual cost of issuance, but in no event less than five dollars (\$5.00) per placard. The Division shall issue a placard registration card with each placard issued to a handicapped person. The registration card shall bear the name of the person to whom the placard is issued, the person's address, the placard number, and an expiration date. The registration card shall be in the vehicle in which the placard is being used, and the person to whom the placard is issued shall be the operator or a passenger in the vehicle in which the placard is displayed.

(c1) Application and Renewal; Medical Certification. - The initial application for a distinguishing license plate, removable windshield placard, or temporary removable windshield placard shall be accompanied by a certification of a licensed physician, a licensed ophthalmologist,



a licensed optometrist, a licensed physician assistant, a licensed nurse practitioner, or the Division of Services for the Blind that the applicant or person in the applicant's custody or care is handicapped or by a disability determination by the United States Department of Veterans Affairs that the applicant or person in the applicant's custody or care is handicapped. For an initial application for a temporary removable windshield placard only, the certification that the applicant is handicapped may be made by a licensed certified nurse midwife. The application for a temporary removable windshield placard shall contain additional certification to include the period of time the certifying authority determines the applicant will have the disability. Distinguishing license plates shall be renewed annually, but subsequent applications shall not require a medical certification that the applicant is handicapped, except that a registered owner that certified pursuant to subsection (b) of this section that the registered owner is the guardian or parent of a handicapped person must recertify every five years. Removable windshield placards shall be renewed every five years, and, except for a person certified as totally and permanently disabled at the time of the initial application or a prior renewal under this subsection, the renewal shall require a medical recertification that the person is handicapped; provided that a medical certification shall not be required to renew any placard that expires after the person to whom it is issued is 80 years of age. Temporary removable windshield placards shall expire no later than six months after issuance.

(c2) Existing Placards; Expiration; Exchange for New Placards. - All existing placards shall expire on January 1, 1992. No person shall be convicted of parking in violation of this Article by reason of an expired placard if the defendant produces in court, at the time of trial on the illegal parking charge, an expired placard and a renewed placard issued within 30 days of the expiration date of the expired placard and which would have been a defense to the charge had it been issued prior to the time of the alleged offense. Existing placards issued on or after July 1, 1989, may be exchanged without charge for the new placards.

(c3) It shall be unlawful to sell a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard issued pursuant to this section. A violation of this subsection shall be a Class 2 misdemeanor and may be punished pursuant to G.S. 20-176(c) and (c1).

(d) Designation of Parking Spaces. - Designation of parking spaces for handicapped persons on streets and public vehicular areas shall comply with G.S. 136-30. A sign designating a parking space for handicapped persons shall state the maximum penalty for parking in the space in violation of the law. For purposes of this section, a parking space designated for handicapped persons includes clearly marked access aisles, and all provisions, restrictions, and penalties applicable to parking in spaces designated for handicapped persons also apply to clearly marked access aisles.

(d1) Repealed by Session Laws 1991, c. 530, s. 4.

(e) Enforcement of Handicapped Parking Privileges. - It shall be unlawful:

- (1) To park or leave standing any vehicle in a space designated with a sign pursuant to subsection (d) of this section for handicapped persons when the vehicle does not display the distinguishing license plate, removable windshield placard, temporary removable windshield placard as provided in this section, a disabled veteran registration plate issued under G.S. 20-79.4, or a partially disabled veteran registration plate issued under G.S. 20-79.4;
- (2) For any person not qualifying for the rights and privileges extended to handicapped persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate,

removable windshield placard, or temporary removable windshield placard issued pursuant to the provisions of this section;

- (3) To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14;
- (4) For those responsible for designating parking spaces for the handicapped to erect or otherwise use signs not conforming to G.S. 20-37.6(d) for this purpose.

This section is enforceable in all public vehicular areas.

(f) Penalties for Violation. -

- (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00) and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be prima facie evidence in any court in the State of North Carolina that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with a violation of this section.
- (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty of at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00) and whenever evidence shall be presented in any court of the fact that a nonconforming sign is being used it shall be prima facie evidence in any court in the State of North Carolina that the person, firm, or corporation with ownership of the property where the nonconforming sign is located is responsible for violation of this section. Building inspectors and others responsible for North Carolina State Building Code violations specified in G.S. 143-138(h) where such signs are required by the Handicapped Section of the North Carolina State Building Code, may cause a citation to be issued for this violation and may also initiate any appropriate action or proceeding to correct such violation.
- (3) A law-enforcement officer, including a company police officer commissioned by the Attorney General under Chapter 74E of the General Statutes, or a campus police officer commissioned by the Attorney General under Chapter 74G of the General Statutes, may cause a vehicle parked in violation of this section to be towed. The officer is a legal possessor as provided in G.S. 20-161(d)(2). The officer shall not be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any motor vehicle removed from a space pursuant to this section, except where the motor vehicle is willfully, maliciously, or negligently damaged in the removal from the space to a place of storage.
- (4) Notwithstanding any other provision of the General Statutes, the provisions of this section relative to handicapped parking shall be enforced by State, county, city and other municipal authorities in their respective jurisdictions whether on

public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies. (1971, c. 374, s. 1; 1973, cc. 126, 1384; 1977, c. 340, s. 2; 1979, c. 632; 1981, c. 682, s. 7; 1983, c. 326, ss. 1, 2; 1985, c. 249; c. 586; c. 764, s. 24; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 843; 1989, c. 760, s. 3; 1989 (Reg. Sess., 1990), c. 1052, ss. 1-3.1; 1991, c. 411, s. 2; c. 530, s. 4; c. 672, s. 5; c. 726, s. 23; c. 761, s. 5; 1991 (Reg. Sess., 1992), c. 1007, s. 30; c. 1043, s. 4; 1993, c. 373, s. 1; 1994, Ex. Sess., c. 14, s. 31; 1999-265, s. 1; 2005-231, s. 11; 2009-493, s. 2; 2015-22, s. 1; 2015-29, s. 1; 2016-25, ss. 1, 2; 2017-111, s. 1; 2018-77, s. 4; 2019-199, s. 8; 2019-213, s. 1(b).)

**§ 20-43.1. Disclosure of personal information in motor vehicle records.**

(a) The Division shall disclose personal information contained in motor vehicle records in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq.

(b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(11).

(c) The Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about whom the information is requested.

(d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to federally designated organ procurement organizations and eye banks operating in this State for the purpose of identifying individuals who have indicated an intent to be an organ donor. Personal information authorized under this subsection is limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and drivers license number. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this subsection are not liable in damages for access to or disclosure of the information.

(e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to persons, private companies, or other entities, for uses other than official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

(f) E-mail addresses or other electronic addresses provided to the Division are personal information for purposes of this section and shall only be disclosed in accordance with this section. (1997-443, s. 32.25(a); 1999-237, s. 27.9(b); 2004-189, s. 2; 2011-145, s. 31.29; 2016-90, s. 10(b).)

**§ 20-115.1. Limitations on tandem trailers and semitrailers on certain North Carolina highways.**

- (a) Motor vehicle combinations consisting of a truck tractor and two trailing units may be operated in North Carolina only on highways of the interstate system (except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i)) and on those sections of the federal-aid primary system designated by the United States Secretary of Transportation. No trailer or semitrailer operated in this combination shall exceed 28 feet in length; Provided, however, a 1982 or older year model trailer or semitrailer of up to 28 1/2 feet in length may operate in a combination permitted by this section for trailers or semitrailers which are 28 feet in length.
- (b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor may be operated on all primary highway routes of North Carolina provided the motor vehicle combination meets the requirements of this subsection. The Department may, at any time, prohibit motor vehicle combinations on portions of any route on the State highway system. If the Department prohibits a motor vehicle combination on any route, it shall submit a written report to the Joint Legislative Transportation Oversight Committee within six months of the prohibition clearly documenting through traffic engineering studies that the operation of a motor vehicle combination on that route cannot be safely accommodated and that the route does not have sufficient capacity to handle the vehicle combination. To operate on a primary highway route, a motor vehicle combination described in this subsection must meet all of the following requirements:
  - (1) The motor vehicle combination must comply with the weight requirements in G.S. 20-118.
  - (2) A semitrailer in excess of 48 feet in length must meet one or more of the following conditions:
    - (a) The distance between the kingpin of the trailer and the rearmost axle, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 41 feet.
    - (b) The semitrailer is used exclusively or primarily to transport vehicles in connection with motorsports competition events, and the distance between the kingpin of the trailer and the rearmost axle, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 46 feet.
  - (3) A semitrailer in excess of 48 feet must be equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface.
- (c) Motor vehicles with a width not exceeding 102 inches may be operated on the interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2316(e)) and other qualifying federal-aid highways designated by the United States Secretary of Transportation, with traffic lanes designed to be a width of 12 feet or more and any other qualifying federal-aid primary system highway designated by the United States Secretary of Transportation if the Secretary has determined that the designation is consistent with highway safety.
- (d) Notwithstanding the provisions of subsections (a) and (b) of this section which limit the length of trailers which may be used in motor vehicle combinations in this State on highways of the interstate system (except those exempted by the United States Secretary of Transportation pursuant to 49

USC 2311(i)) and on those sections of the federal-aid primary system designated by the United States Secretary of Transportation, there is no limitation of the length of the truck tractor which may be used in motor vehicle combinations on these highways and therefore, in compliance with Section 411(b) of the Surface Transportation Act of 1982, there is no overall length limitation for motor vehicle combinations regulated by this section.

- (e) The length and width limitations in this section are subject to exceptions and exclusions for safety devices and specialized equipment as provided for in 49 USC 2311(d)(h) and Section 416 of the Surface Transportation Act of 1982 as amended (49 USC 2316).
- (f) Motor vehicle combinations operating pursuant to this section shall have reasonable access between
  - (i) highways on the interstate system (except those exempted by the United States Secretary of Transportation pursuant to 49 USC 2311(i) and 49 USC 2316(e)) and other qualifying federal-aid highways as designated by the United States Secretary of Transportation and (ii) terminals, facilities for food, fuel, repairs, and rest and points of loading and unloading by household goods carriers and by any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 1/2 feet and a width not to exceed 102 inches as provided in subsection (c) of this section and which generally operates as part of a vehicle combination described in subsection (a) of this section. The North Carolina Department of Transportation may, on streets and highways on the State highway system, and any municipality may, on streets and highways on the municipal street system, impose reasonable restrictions based on safety considerations on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 1/2 feet and which generally operates as part of a vehicle combination described in subsection (a) of this section. "Reasonable access" to facilities for food, fuel, repairs and rest shall be deemed to be those facilities which are located within three road miles of the interstate or designated highway. The Department of Transportation is authorized to promulgate rules and regulations providing for "reasonable access." The Department may approve reasonable access routes for one particular type of STAA (Surface Transportation Assistance Act) dimensioned vehicle when significant, substantial differences in their operating characteristics exist.
- (g) Under certain conditions, and after consultation with the Joint Legislative Commission on Governmental Operations, the North Carolina Department of Transportation may designate State highway system roads in addition to those highways designated by the United States Secretary of Transportation for use by the vehicle combinations authorized in this section. Such designations by the Department shall only be made under the following conditions:
  - (1) A determination of the public convenience and need for such designation;
  - (2) A traffic engineering study which clearly shows the road proposed to be designated can safely accommodate and has sufficient capacity to handle these vehicle combinations; and
  - (3) A public hearing is held or the opportunity for a public hearing is provided in each county through which the designated highway passes, after two weeks notice posted at the courthouse and published in a newspaper of general circulation in each county through which the designated State highway system road passes, and consideration is given to the comments received prior to the designation.
  - (4) The Department may designate routes for one particular type of STAA (Surface Transportation Assistance Act) dimensioned vehicle when significant, substantial differences in their operating characteristics exist.

The Department may not designate any portion of the State highway system that has been deleted or exempted by the United States Secretary of Transportation based on safety considerations. For the purpose of this section, any highway designated by the Department shall be deemed to be the same as a federal-aid primary highway designated by the United States Secretary of Transportation pursuant to 49 USC 2311 and 49 USC 2316, and the vehicle combinations authorized in this section shall be permitted to operate on such highway.

- (h) Any owner of a semitrailer less than 50 feet in length in violation of subsections (a) or (b) is responsible for an infraction and is subject to a penalty of one hundred dollars (\$100.00). Any owner of a semitrailer 50 feet or greater in length in violation of subsection (b) is responsible for an infraction and subject to a penalty of two hundred dollars (\$200.00).
- (i) Any driver of a vehicle with a semitrailer less than 50 feet in length violating subsections (a) or (b) of this section is guilty of a Class 3 misdemeanor punishable only by a fine of one hundred dollars (\$100.00). Any driver of a vehicle with a semitrailer 50 feet or more in length violating subsection (b) of this section is guilty of a Class 3 misdemeanor punishable only by a fine of two hundred dollars (\$200.00).
- (j) Notwithstanding any other provision of this section, a manufacturer of trailer frames, with a permit issued pursuant to G.S. 20-119, is authorized to transport the trailer frame to another location within three miles of the first place of manufacture to the location of completion on any public street or highway if the width of the trailer frame does not exceed 14 feet and oversize markings and safety flags are used during transport. Trailer frames transported pursuant to this subsection shall not exceed 7,000 pounds, and the vehicle towing the trailer frame shall have a towing capacity greater than 10,000 pounds and necessary towing equipment. The transport of trailer frames under this subsection shall only be done during daylight hours. (1983, c. 898, s. 1; 1985, c. 423, ss. 1-7; 1989, c. 790, ss. 1, 3, 3.1; 1993, c. 533, s. 10; c. 539, s. 354; 1994, Ex. Sess., c. 24, s. 14(c); 1998-149, s. 6; 2007-77, ss. 2, 3; 2008-160, s. 1; 2008-221, ss. 3, 4.)

#### **§ 20-116. Size of vehicles and loads.**

(a) The total outside width of any vehicle or the load thereon shall not exceed 102 inches, except as otherwise provided in this section. When hogsheads of tobacco are being transported, a tolerance of six inches is allowed. When sheet or bale tobacco is being transported the load must not exceed a width of 114 inches at the top of the load and the bottom of the load at the truck bed must not exceed the width of 102 inches inclusive of allowance for load shifting or settling. Vehicles (other than passenger buses) that do not exceed the overall width of 102 inches and otherwise provided in this section may be operated in accordance with G.S. 20-115.1(c), (f), and (g).

(b) No passenger-type vehicle or recreational vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches. Provided, however, that neither the State of North Carolina nor any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12 feet, six inches. Provided further, that the operator or owner of any vehicle having an overall height, whether unladen or with load, in excess of 12 feet, six inches,

shall be liable for damage to any structure caused by such vehicle having a height in excess of 12 feet, six inches.

(d) Maximum Length. - The following maximum lengths apply to vehicles. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes.

- (1) Except as otherwise provided in this subsection, a single vehicle having two or more axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.
- (2) Trucks transporting unprocessed cotton from farm to gin, or unprocessed sage from farm to market shall not exceed 50 feet in length overall of dimensions inclusive of front and rear bumpers.
- (3) Recreational vehicles shall not exceed 45 feet in length overall, excluding bumpers and mirrors.
- (4) Vehicles owned or leased by State, local, or federal government, when used for official law enforcement or emergency management purposes, shall not exceed 45 feet in length overall, excluding bumpers and mirrors.

(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the following exceptions: Motor vehicle combinations of one semitrailer of not more than 53 feet in length and a truck tractor (power unit) may exceed the 60-foot maximum length. Said maximum overall length limitation shall not apply to vehicles operated in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties, provided the trailer length does not exceed 53 feet in length, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of said projecting load to clearly mark the dimensions of such load: Provided that vehicles designed and used exclusively for the transportation of motor vehicles shall be permitted an overhang tolerance front or rear not to exceed five feet. Provided, that wreckers may tow a truck, combination tractor and trailer, trailer, or any other disabled vehicle or combination of vehicles to a place for repair, parking, or storage within 50 miles of the point where the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to trailers not exceeding three in number drawn by a motor vehicle used by municipalities for the removal of domestic and commercial refuse and street rubbish, but such combination of vehicles shall not exceed a total length of 50 feet inclusive of front and rear bumpers. Provided further, that the said limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a driveway service when no more than three saddle mounts are used and provided further, that equipment used in said combination is approved by the safety regulations of the Federal Highway Administration and the safety rules of the Department of Public Safety.

(f) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the vehicle. Under this subsection "load" shall include the boom on a self-propelled vehicle.

A utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set in this subsection if the pole cannot be dismembered, the pole is less than 80 feet in length and does not extend more than 10 feet beyond the front bumper of the vehicle, and either of the following circumstances apply:

- (1) It is daytime and the front of the extending load of poles is marked by a flag of the type required by G.S. 20-117 for certain rear overhangs.
- (2) It is nighttime, operation of the vehicle is required to make emergency repairs to utility service, and the front of the extending load of poles is marked by a light of the type required by G.S. 20-117 for certain rear overhangs.

As used in this subsection, a "self-propelled pole carrier" is a vehicle designed to carry a pole on the side of the vehicle at a height of at least five feet when measured from the bottom of the brace used to carry the pole. A self-propelled pole carrier may not tow another vehicle when carrying a pole that extends beyond the front overhang limit set in this subsection.

- (g) (1) No vehicle shall be driven or moved on any highway unless the vehicle is constructed and loaded to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled, dumped, or spread on a roadway in cleaning or maintaining the roadway. For purposes of this subsection, the terms "load" and "leaking" do not include water accumulated from precipitation.
- (2) A truck, trailer, or other vehicle licensed for more than 7,500 pounds gross vehicle weight that is loaded with rock, gravel, stone, or any other similar substance, other than sand, that could fall, blow, leak, sift, or drop shall not be driven or moved on any highway unless:
  - a. The height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; and
  - b. The load is securely covered by tarpaulin or some other suitable covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.
- (3) A truck, trailer, or other vehicle licensed for 7,500 pounds or less gross vehicle weight and loaded with rock, gravel, stone, or any other similar substance that could fall, blow, leak, or sift, or licensed for any gross vehicle weight and loaded with sand, shall not be driven or moved on any highway unless:
  - a. The height of the load against all four walls does not extend above a horizontal line six inches below the top when loaded at the loading point;
  - b. The load is securely covered by tarpaulin or some other suitable covering; or
  - c. The vehicle is constructed to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom.
- (4) This section shall not be applicable to or in any manner restrict the transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock.



(h) Whenever there exist two highways of the State highway system of approximately the same distance between two or more points, the Department of Transportation may, when in the opinion of the Department of Transportation, based upon engineering and traffic investigation, safety will be promoted or the public interest will be served, designate one of the highways the "truck route" between those points, and to prohibit the use of the other highway by heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a designated maximum. In such instances the highways selected for heavy vehicle traffic shall be designated as "truck routes" by signs conspicuously posted, and the highways upon which heavy vehicle traffic is prohibited shall likewise be designated by signs conspicuously posted showing the maximum gross vehicle weight or axle load limits authorized for those highways. The operation of any vehicle whose gross vehicle weight or axle load exceeds the maximum limits shown on signs over the posted highway shall constitute a Class 2 misdemeanor: Provided, that nothing in this subsection shall prohibit a truck or other motor vehicle whose gross vehicle weight or axle load exceeds that prescribed for those highways from using them when its destination is located solely upon that highway, road or street: Provided, further, that nothing in this subsection shall prohibit passenger vehicles or other light vehicles from using any highways designated for heavy truck traffic.

(i) Repealed by Session Laws 1973, c. 1330, s. 39.

(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other self-propelled farm equipment with or without implements, not exceeding 25 feet in width on any highway, unless the operation violates a provision of this subsection. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

(1) The equipment may only be operated during daylight hours.

(2) The equipment must display a red flag on front and rear ends or a flashing warning light. The flags or lights shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.

(3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags or lights referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.

(4) Every piece of equipment so operated shall operate to the right of the center line unless the combined width of the traveling lane and the accessible shoulder is less than the width of the equipment.

(5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.

- (6) When the equipment is causing a delay in traffic, the operator of the equipment shall move the equipment off the paved portion of the highway at the nearest practical location until the vehicles following the equipment have passed.
- (7) The equipment shall be operated in the designed transport position that minimizes equipment width. No removal of equipment or appurtenances is required under this subdivision.
- (8) Equipment covered by this subsection shall not be operated on a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways without authorization from the North Carolina Department of Transportation. The Department shall develop an authorization process and approve routes under the following conditions:
  - a. Persons shall submit an application to the Department requesting authorization to operate equipment covered by this subsection on a particular route that is part of a highway or section of highway that is a fully controlled access highway or is a part of the National System of Interstate and Defense Highways.
  - b. The Department shall have a period of 30 days from receipt of a complete application to approve or reject the application. A complete application shall be deemed approved if the Department does not take action within 30 days of receipt by the Department; such a route may then be used by the original applicant.
  - c. The Department shall approve an application upon a showing that the route is necessary to accomplish one or more of the following:
    - 1. Prevent farming operations from traveling more than five miles longer than the requested route during the normal course of business.
    - 2. Prevent excess traffic delays on local or secondary roads.
    - 3. Allow farm equipment access due to dimension restrictions on local or secondary roads.
  - d. For applications that do not meet the requirements of sub-subdivision c. of this subdivision, the Department may also approve an application upon review of relevant safety factors.
  - e. The Department may consult with the North Carolina State Highway Patrol, the North Carolina Department of Agriculture and Consumer Services, or other parties concerning an application.
  - f. Any approved route may be subject to any of the following additional conditions:
    - 1. A requirement that the subject equipment be followed by a flag vehicle with flashing lights that shall be operated at all times on the route so as to be visible from a distance of at least 300 feet.
    - 2. Restrictions on maximum and minimum speeds of the equipment.
    - 3. Restrictions on the maximum dimensions of the equipment.
    - 4. Restrictions on the time of day that the equipment may be operated on the approved route.

- g. The Department shall publish all approved routes, including any conditions on the routes' use, and shall notify appropriate State and local law enforcement officers of any approved route.
- h. Once approved for use and published by the Department, a route may be used by any person who adheres to the route, including any conditions on the route's use imposed by the Department.
- i. The Department may revise published routes as road conditions on the routes change.

(k) Nothing in this section shall be construed to prevent the operation of passenger buses having an overall width of 102 inches, exclusive of safety equipment, upon the highways of this State which are 20 feet or wider and that are designated as the State primary system, or as municipal streets, when, and not until, the federal law and regulations thereunder permit the operation of passenger buses having a width of 102 inches or wider on the National System of Interstate and Defense Highways.

(l) Nothing in this section shall be construed to prevent the operation of passenger buses that are owned and operated by units of local government, operated as a single vehicle only and having an overall length of 45 feet or less, on public streets or highways. The Department of Transportation may prevent the operation of buses that are authorized under this subsection if the operation of such buses on a street or highway presents a hazard to passengers of the buses or to the motoring public.

(m) Notwithstanding subsection (a) of this section, a boat or boat trailer with an outside width of less than 120 inches may be towed without a permit. The towing of a boat or boat trailer 102 inches to 114 inches in width may take place on any day of the week, including weekends and holidays, and may take place at night. The towing of a boat or boat trailer 114 inches to 120 inches in width may take place on any day of the week, including weekends and holidays from sun up to sun down. A boat or boat trailer in excess of 102 inches but less than 120 inches must be equipped with a minimum of two operable amber lamps on the widest point of the boat and the boat trailer such that the dimensions of the boat and the boat trailer are clearly marked and visible.

(n) Vehicle combinations used in connection with motorsports competition events that include a cab or other motorized vehicle unit with living quarters, and an attached enclosed specialty trailer, the combination of which does not exceed 90 feet in length, may be operated on the highways of this State, provided that such operation takes place for one or more of the following purposes:

- (1) Driving to or from a motorsports competition event.
- (2) For trips conducted for the purpose of purchasing fuel or conducting repairs or other maintenance on the competition vehicle.
- (3) For other activities related to motorsports purposes, including, but not limited to, performance testing of the competition vehicle.

The Department of Transportation may prohibit combinations authorized by this subsection from specific routes, pursuant to G.S. 20-115.1(b).

(o) Any vehicle carrying baled hay from place to place on the same farm, from one farm to another, from farm to market, or from market to farm that does not exceed 12 feet in width may be operated on the highways of this State. Vehicles carrying baled hay that exceed 10 feet in width may only be operated under the following conditions:

- (1) The vehicle may only be operated during daylight hours.

- (2) The vehicle shall display a red flag or a flashing warning light on both the rear and front ends. The flags or lights shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.
- (p) Notwithstanding any provision of this section to the contrary, the following may operate on the highways of this State without an oversize permit for the purpose of Department snow removal and snow removal training operations:
  - (1) Truck supporting snow plows with blades not exceeding 12 feet in width. A truck operated pursuant to this subdivision shall have adequate illumination when the plow is in the up and the down positions; visible signal lights; and a plow that is angled so that the minimum width is exposed to oncoming traffic during periods of travel between assignments.
  - (2) Motor graders not exceeding 102 inches in width, measured from the outside edge of the tires. A motor grader operated pursuant to this subdivision shall have adequate illumination when the moldboard is in the up and down positions; visible signal lights; and a moldboard that is angled not to exceed 102 inches during periods of travel between assignments. (1937, c. 246; c. 407, s. 80; 1943, c. 213, s. 1; 1945, c. 242, s. 1; 1947, c. 844; 1951, c. 495, s. 1; c. 733; 1953, cc. 682, 1107; 1955, c. 296, s. 2; c. 729; 1957, c. 65, s. 11; cc. 493, 1183, 1190; 1959, c. 559; 1963, c. 356, s. 1; c. 610, ss. 1, 2; c. 702, s. 4; c. 1027, s. 1; 1965, c. 471; 1967, c. 24, s. 4; c. 710; 1969, cc. 128, 880; 1971, cc. 128, 680, 688, 1079; 1973, c. 507, s. 5; c. 546; c. 1330, s. 39; 1975, c. 148, ss. 1-5; c. 716, s. 5; 1977, c. 464, s. 34; 1979, cc. 21, 218; 1981, c. 169, s. 1; 1983, c. 724, s. 2; 1985, c. 587; 1987, c. 272; 1989, c. 277, s. 1; c. 790, s. 2; 1991, c. 112, s. 1; c. 449, ss. 1, 2.1; 1993, c. 539, s. 355; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 573, s. 1; c. 756, s. 14; 1998-149, s. 7; 1999-438, s. 28; 2000-185, s. 2; 2001-341, ss. 3, 4; 2001-512, s. 2; 2002-72, s. 19(c); 2002-159, s. 31.5(b); 2002-190, s. 2; 2003-383, s. 8; 2005-248, s. 2; 2007-77, s. 1; 2007-194, ss. 2, 3; 2007-484, s. 5; 2007-499, s. 1; 2008-221, ss. 5, 6; 2008-229, s. 1; 2009-7, s. 1; 2009-127, s. 1; 2009-128, s. 1; 2011-145, s. 19.1(g); 2012-33, s. 1; 2012-78, s. 5; 2013-413, s. 59.2(f); 2014-115, s. 17; 2015-263, ss. 5, 6(a); 2015-264, s. 41; 2015-286, s. 1.8(a).)

**§ 20-117. Flag or light at end of load.**

- (a) General Provisions. - Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load, in such position as to be clearly visible at all times from the rear of such load, a red or orange flag not less than 18 inches both in length and width, except that from sunset to sunrise there shall be displayed at the end of any such load a red or amber light plainly visible under normal atmospheric conditions at least 200 feet from the rear of such vehicle. At no time shall a load extend more than 14 feet beyond the rear of the bed or body of the vehicle, with the exception of vehicles transporting forestry products or utility poles.
- (b) Commercial Motor Vehicles. - A commercial motor vehicle, or a motor vehicle with a GVWR of 10,001 pounds or more that is engaged in commerce, that is being used to tow a load or that has a

load that protrudes from the rear or sides of the vehicle shall comply with the provisions of 49 C.F.R. Part 393. (1937, c. 407, s. 81; 1985, c. 455; 1997-178, s. 1; 2005-361, s. 2; 2009-376, s. 4.)

**§ 20-118. Weight of vehicles and load.**

- (a) For the purposes of this section, the following definitions apply:
- (1), (2) Repealed by Session Laws 2018-142, s. 5(b), effective December 14, 2018.
  - (3) Axle group. - Any two or more consecutive axles on a vehicle or combination of vehicles.
  - (4) Gross weight. - The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
  - (5) Light-traffic roads. - Any highway on the State Highway System, excepting routes designated I, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.
  - (6) Single axle weight. - The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
  - (7) Tandem axle weight. - The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (b) The following weight limitations apply to vehicles operating on the highways of the State:
- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
  - (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.
  - (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or Less	38000	38000				
more than 8	38000	42000				
9	39000	42500				
10	40000	43500				
11		44000				
12		45000	50000			

13	45500	50500			
14	46500	51500			
15	47000	52000			
16	48000	52500	58000		
17	48500	53500	58500		
18	49500	54000	59000		
19	50000	54500	60000		
20	51000	55500	60500	66000	
21	51500	56000	61000	66500	
22	52500	56500	61500	67000	
23	53000	57500	62500	68000	
24	54000	58000	63000	68500	74000
25	54500	58500	63500	69000	74500
26	55500	59500	64000	69500	75000
27	56000	60000	65000	70000	75500
28	57000	60500	65500	71000	76500
29	57500	61500	66000	71500	77000
30	58500	62000	66500	72000	77500
31	59000	62500	67500	72500	78000
32	60000	63500	68000	73000	78500
33		64000	68500	74000	79000
34		64500	69000	74500	80000
35		65500	70000	75000	
36		66000**	70500	75500	
37		66500**	71000	76000	
38		67500**	72000	77000	
39		68000	72500	77500	
40		68500	73000	78000	
41		69500	73500	78500	
42		70000	74000	79000	
43		70500	75000	80000	
44		71500	75500		
45		72000	76000		
46		72500	76500		
47		73500	77500		
48		74000	78000		
49		74500	78500		
50		75500	79000		
51		76000	80000		
52		76500			
53		77500			
54		78000			
55		78500			
56		79500			
57		80000			

\* Distance in Feet Between the Extremes of any Group of Two or More Consecutive Axles.

\*\* See exception in subdivision (c)(1) of this section.

- (4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation has the authority to designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light-traffic road when in the opinion of the Department of Transportation, the road is inadequate to carry and will be injuriously affected by vehicles using the road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.
- (c) Exceptions. - The following exceptions apply to subsections (b) and (e) of this section:
  - (1) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.
  - (2) When a vehicle is operated in violation of subdivision (b)(1), (b)(2), or (b)(3) of this section, but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by subdivision (b)(3) of this section, the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:
    - a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
    - b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.
  - (3) When a vehicle is operated in violation of subdivision (b)(4) of this section, the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.
  - (4) A truck or other motor vehicle shall be exempt from the light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section, when transporting supplies, material, or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of the vehicle and load is located solely upon a light-traffic road.
  - (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to either one of the two nearest highways that is not a light-traffic road. If that vehicle's point of origin is a non-light-traffic road and that road is blocked by light-traffic roads from all directions and is not contiguous with other non-light-traffic roads, then the road at point of origin is treated as a light-traffic road for purposes of this subdivision:
    - a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.

- b. Meats, live poultry, or agricultural crop products transported from a farm to a processing plant or market.
  - c. Forest products originating and transported from a farm or from woodlands to market without interruption or delay for further packaging or processing after initiating transport.
  - d. Livestock or live poultry transported from their point of origin to a processing plant or market.
  - e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.
  - f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms "recyclable material" and "processing" have the same meaning as in G.S. 130A-290(a).
  - g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term "garbage" does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.
  - h. Treated sludge collected from a wastewater treatment facility.
  - i. Apples when transported from the orchard to the first processing or packing point.
  - j. Trees grown as Christmas trees from the field, farm, stand, or grove, and other forest products, including chips and bark, to a processing point.
  - k. Water, fertilizer, pesticides, seeds, fuel, and animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).
- (6) A truck or other motor vehicle shall be exempt from the light-traffic road limitations provided by subdivision (b)(4) of this section when the motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and are used in connection with installation, restoration, or emergency maintenance of utility services.
  - (7) A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage within 50 miles from the point that the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle without being in violation of this section provided that the wrecker and towed vehicle or combination of vehicles otherwise meet all requirements of this section.
  - (8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of the member's duties, regardless of whether members of that fire department are paid or voluntary, and any vehicle of a voluntary lifesaving organization, when operated by a member of that organization while answering an official call, shall be exempt from the light-traffic road limitations provided by subdivision (b)(4) of this section.
  - (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.



- (10) Fully enclosed motor vehicles designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption does not apply to vehicles operating on interstate highways, vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).
- (11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.
- (12) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:
  - a. Is transporting any of the following items within 150 miles of the point of origination:
    - 1. Agriculture, dairy, and crop products transported from a farm or holding facility to a processing plant, feed mill, or market.
    - 2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm.
    - 3. Meats, livestock, or live poultry transported from the farm where they were raised to a processing plant or market.
    - 3a. Feed or feed ingredients that are used in the feeding of poultry or livestock and transported from a storage facility, holding facility, or mill to a farm.
    - 4. Forest products originating and transported from a farm or woodlands to market with delay interruption or delay for further packaging or processing after initiating transport.
    - 5. Wood residuals, including wood chips, sawdust, mulch, or tree bark from any site.
    - 6. Raw logs to market.
    - 7. Trees grown as Christmas trees from field, farm, stand, or grove to a processing point.
  - b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
  - b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
  - c. Meets any of the following vehicle configurations:
    - 1. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
    - 2. Consists of a five or more axle combination vehicle that does not exceed a single-axle weight of 26,000 pounds, a tandem-axle weight of 44,000 pounds and a gross weight of 90,000 pounds, with a length of at least 48 feet between the center of axle one and the center of the last axle of the vehicle and a minimum of

11 feet between the center of axle one and the center of axle two of the vehicle.

3. Consists of a two-axle vehicle that does not exceed a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least 14 feet between the center of axle one and the center of axle two of the vehicle.
- d. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (13) Vehicles specifically designed for fire fighting that are owned by a municipal or rural fire department. This exception does not apply to vehicles operating on interstate highways.
- (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
  - a. Is hauling aggregates from a distribution yard or a State-permitted production site located within a North Carolina county contiguous to the North Carolina State border to a destination in another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.
  - b. Does not operate on an interstate highway or exceed any posted bridge weight limits.
  - c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not apply, and vehicles must be licensed in accordance with G.S. 20-88.
  - d. Repealed by Session Laws 2001-487, s. 10, effective December 16, 2001.
  - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.
- (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
  - a. Is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.
  - b. Does not operate on an interstate highway, a posted light-traffic road, except as provided by subdivision (c)(5) of this section, or exceed any posted bridge weight limits.
  - c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.
  - d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds.
  - e. Repealed by Session Laws 2012-78, s. 6, effective June 26, 2012.

- (16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:
- a. Is hauling unhardened ready-mixed concrete.
  - b. Does not operate on an interstate highway or a posted light-traffic road, or exceed any posted bridge weight limits.
  - c. Has a single steer axle weight of no more than 22,000 pounds and a tandem-axle weight of no more than 46,000 pounds.
  - d. Does not exceed a maximum gross weight of 66,000 pounds on a three-axle vehicle with a length of at least 21 feet between the center of axle one and the center of axle three of the vehicle.
  - e. Does not exceed a maximum gross weight of 72,600 pounds on a four-axle vehicle with a length of at least 36 feet between the center of axle one and the center of axle four. The four-axle vehicle shall have a maximum gross weight of 66,000 pounds on axles one, two, and three with a length of at least 21 feet between the center of axle one and the center of axle three.

For purposes of this subdivision, no additional weight allowances in this section apply for the gross weight, single-axle weight, and tandem-axle weight, and the tolerance allowed by subsection (h) of this section does not apply.

- (17) Subsections (b) and (e) of this section do not apply to a truck owned, operated by, or under contract to a public utility, electric or telephone membership corporation, or municipality that meets all of the conditions listed below, but all other enforcement provisions of this Article remain applicable:
- a. Is being used in connection with the installation, restoration, or maintenance of utility services within a North Carolina county located in whole or in part west of Interstate 77, and the terrain, road widths, and other naturally occurring conditions prevent the safe navigation and operation of a truck having more than a single axle or using a trailer.
  - b. Does not operate on an interstate highway.
  - c. Does not exceed a single-axle weight of more than 28,000 pounds.
  - d. Does not exceed a maximum gross weight in excess of 48,000 pounds.
- (18) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:
- a. Is transporting metal commodities or construction equipment.
  - b. Does not operate on an interstate highway, a posted light traffic road, or exceed any posted bridge weight limit.
  - c. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- (19) Any additional weight allowance authorized by 23 U.S.C. § 127, and applicable to all interstate highways, also applies to all State roads, unless the road is a posted road or posted bridge, or unless specifically prohibited by State law or a Department ordinance applicable to a specific road.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in subdivisions (c)(4) and (c)(5) of this section as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the

Department of Transportation that undue damage to the light-traffic road is resulting from vehicles exempted by subdivisions (c)(4) and (c)(5) of this section. In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) Penalties. -

- (1) Except as provided in subdivision (2) of this subsection, for each violation of the single-axle or tandem-axle weight limits set in subdivision (b)(1), (b)(2), or (b)(4) of this section or axle weights authorized by special permit according to G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. These penalties apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted.
- (2) The penalty for a violation of the single-axle or tandem-axle weight limits by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (1) of this subsection.
- (3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section or axle-group weights or gross weights authorized by special permit under G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section, or by a special permit issued pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part thereof, two cents (2) per pound; for the next 3,000 pounds or any part thereof, four cents (4) per pound; for each pound in excess of 5,000 pounds, ten cents (10) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) of this section are subject to the penalty if the vehicle exceeds the tolerance allowed in subsection (h) of this section.

These penalties apply separately to each axle-group weight limit violated. Notwithstanding any provision to the contrary, a vehicle with a special permit that is subject to additional penalties under this subsection based on a violation of any of the permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty, not to exceed ten thousand dollars (\$10,000), based on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section.

- (4) The penalty for a violation of an axle-group weight limit by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (3) of this subsection.
- (5) A violation of a weight limit in this section or of a permitted weight under G.S. 20-119 is not punishable under G.S. 20-176.

- (6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the amount it otherwise would be under subdivisions (1) and (3) of this subsection.
- (7) The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Department of Transportation pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.
- (f) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 15.
- (g) This section does not permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.
- (h) Tolerance. - A vehicle may exceed maximum and the inner axle-group weight limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent (10%). This exception does not authorize a vehicle to exceed either the single-axle or tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section, or the maximum gross weight limit of 80,000 pounds. This exception does not apply to a vehicle exceeding posted bridge weight limitations as posted under G.S. 136-72 or to vehicles operating on interstate highways. The tolerance allowed under this subsection does not authorize the weight of a vehicle to exceed the weight for which that vehicle is licensed under G.S. 20-88. No tolerance on the single-axle weight or the tandem-axle weight provided for in subdivisions (b)(1) and (b)(2) of this section shall be granted administratively or otherwise. The Department of Transportation shall report back to the Transportation Oversight Committee and to the General Assembly on the effects of the tolerance granted under this section, any abuses of this tolerance, and any suggested revisions to this section by that Department on or before May 1, 1998.
- (i) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 16.
- (j) Repealed by Session Laws 1987, c. 392.
- (k) A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles are exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures.
- (l) A vehicle or vehicle combination that hauls unhardened ready-mixed concrete may be weighed with weigh in motion scales, but the vehicle or vehicle combination must be weighed static, allowing the drum to come to a complete stop. (1937, c. 407, s. 82; 1943, c. 213, s. 2; cc. 726, 784; 1945, c. 242, s. 2; c. 569, s. 2; c. 576, s. 7; 1947, c. 1079; 1949, c. 1207, s. 2; 1951, c. 495, s. 2; c. 942, s. 1; c. 1013, ss. 5, 6, 8; 1953, cc. 214, 1092; 1959, c. 872; c. 1264, s. 6; 1963, c. 159; c. 610, ss. 3-5; c. 702, s. 5; 1965, cc. 483, 1044; 1969, c. 537; 1973, c. 507, s. 5; c. 1449, ss. 1, 2; 1975, c. 325; c. 373, s. 2; c. 716, s. 5; c. 735; c. 736, ss. 1-3; 1977, c. 461; c. 464, s. 34; 1977, 2nd Sess., c. 1178; 1981, c. 690, ss. 27, 28; c. 726; c. 1127, s. 53.1; 1983, c. 407; c. 724, s. 1; 1983 (Reg. Sess., 1984), c. 1116, ss. 105-109; 1985, c. 54; c. 274; 1987, c. 392; c. 707, ss. 1-4; 1991, c. 202, s. 1; 1991 (Reg. Sess., 1992), c. 905, s. 1; 1993, c. 426, ss. 1, 2; c. 470, s. 1; c. 533, s. 11; 1993 (Reg. Sess., 1994), c. 761, ss. 10-16; 1995, c. 109, s. 3; c. 163, s. 4; c. 332, ss. 1-3; c. 509, s.

135.1(b); 1995 (Reg. Sess., 1996), c. 756, s. 29; 1997-354, s. 1; 1997-373, s. 1; 1997-466, s. 2; 1998-149, ss. 8, 9, 9.1; 1998-177, s. 1; 1999-452, s. 23; 2000-57, s. 1; 2001-487, ss. 10, 50(e); 2002-126, s. 26.16(a); 2004-145, ss. 1, 2; 2005-248, s. 1; 2005-276, s. 6.37(o); 2005-361, s. 3; 2006-135, s. 1; 2006-264, s. 37; 2008-221, ss. 7, 8, 9; 2009-127, s. 2; 2009-376, ss. 6, 16(a), 16(b); 2009-531, s. 1; 2010-129, s. 3; 2010-132, s. 10; 2011-71, s. 1; 2011-145, s. 19.1(g); 2011-200, s. 1; 2012-78, ss. 6, 13; 2013-120, s. 1; 2013-134, s. 1; 2015-263, s. 9(a); 2016-90, s. 2.1(a); 2018-74, s. 16.5; 2018-142, s. 5(b).)

#### **§ 20-118.2. Authority to fix higher weight limitations at reduced speeds for certain vehicles.**

The Department of Transportation is hereby authorized and empowered to fix higher weight limitations at reduced speeds for vehicles used in transporting property when the point of origin or destination of the motor vehicles is located upon any light traffic highway, county road, farm-to-market road, or any other roads of the secondary system only and/or to the extent only that the motor vehicle is necessarily using said highway in transporting the property from the bona fide point of origin of the property being transported or to the bona fide point of destination of said property and such weights may be different from the weight of those vehicles otherwise using such roads. (1951, c. 1013, s. 7A; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 34.)

#### **§ 20-118.4. Firefighting equipment exempt from size and weight restrictions while transporting or moving heavy equipment for emergency response and preparedness and fire prevention; permits.**

- (a) Exemption From Weight and Size Restrictions. - Any overweight or oversize vehicle owned and operated by a State or local government or cooperating federal agency is exempt from the weight and size restrictions of this Chapter and implementing rules while it is actively engaged in (i) a response to a fire under the authority of a forest ranger pursuant to G.S. 106-899(a); (ii) a county request for forest protection assistance pursuant to G.S. 106-906; (iii) a request for assistance under a state of emergency declared pursuant to G.S. 166A-19.20 or G.S. 166A-19.22, and any other applicable statutes and provisions of common law; (iv) a request for assistance under a disaster declared pursuant to G.S. 166A-19.21; or (v) performance of other required duties for emergency preparedness and fire prevention, when the vehicle meets the following conditions:
- (1) The vehicle weight does not exceed the manufacturer's GVWR or 90,000 pounds gross weight, whichever is less.
  - (2) The tri-axle grouping weight does not exceed 50,000 pounds, tandem axle weight does not exceed 42,000 pounds, and the single axle weight does not exceed 22,000 pounds.
  - (3) A vehicle/vehicle combination does not exceed 12 feet in width and a total overall vehicle combination length of 75 feet from bumper to bumper.
- (b) Marking, Lighting, and Bridge Requirements. - Vehicle/vehicle combinations subject to an exemption or permit under this section shall not be exempt from the requirement of a yellow banner on the front and rear measuring a total length of seven feet by 18 inches bearing the legend "Oversize Load" in 10 inch black letters 1.5 inches wide, and red or orange flags measuring 18 inches square to be displayed on all sides at the widest point of load. In addition, when operating between sunset and sunrise, flashing amber lights shall be displayed on each side of the load at the widest point. Vehicle/vehicle combinations subject to an exemption or permit under this section

shall not exceed posted bridge limits without prior approval from the Department of Transportation.

- (c) Definition of "Response." - A response lasts from the time an overweight or oversize vehicle is requested until the vehicle is returned to its base location and restored to a state of readiness for another response.
- (c1) Definition of "Preparedness and Fire Prevention." - Movement of equipment for the purpose of hazardous fuel reduction, training, equipment maintenance, pre-suppression fire line installation, fire prevention programs, and equipment staging. In order to qualify for the exception in subsection (a) of this section, equipment must remain configured during movement for one or more of these purposes.
- (d) Discretionary Annual or Single Trip Permit for Emergency Response by a Commercial Vehicle. - The Department of Transportation may, in its discretion, issue an annual or single trip special use permit waiving the weight and size restrictions of this Chapter and implementing rules for a commercial overweight or oversize vehicle actively engaged in a response to a fire or a request for assistance from a person authorized to direct emergency operations. The Department of Transportation may condition the permit with safety measures that do not unreasonably delay a response. The Department of Transportation may issue the single trip special use permit upon verbal communication, provided the requestor submits appropriate documentation and fees on the next business day.
- (e) No Liability for Issuance of Permit Under This Section. - The action of issuing a permit by the Department of Transportation under this section is a governmental function and does not subject the Department of Transportation to liability for injury to a person or damage to property as a result of the activity. (2007-290, s. 1; 2012-12, s. 2(g); 2012-78, s. 7.)

#### **§ 20-119. Special permits for vehicles of excessive size or weight; fees.**

(a) The Department of Transportation may, in its discretion, upon application, for good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding a maximum specified in this Article upon any highway under the jurisdiction and for the maintenance of which the body granting the permit is responsible. However, the Department is not authorized to issue any permit to operate or move over the State highways twin trailers, commonly referred to as double bottom trailers. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer. The authorities in any incorporated city or town may grant permits in writing and for good cause shown, authorizing the applicant to move a vehicle over the streets of such city or town, the size or weight exceeding the maximum expressed in this Article. The Department of Transportation shall issue rules to implement this section.

(a1) Where permitted by the posted road and bridge limits, the Department may issue a single trip permit for a vehicle or vehicle combination responding to an emergency event that could result in severe damage, injury, or loss of life or property resulting from any natural or man-made emergency as determined by either the Secretary of Public Safety or the Secretary of Transportation or their designees. A permit issued under this subsection may allow for travel from a specific origin to destination and return 24 hours a day, seven days a week, including holidays. Permits issued under this subsection shall include a requirement for banners, flags, and other safety devices, as determined by the Department, and a requirement for a law enforcement escort or a vehicle being operated by a certified escort vehicle operator if traveling between sunset and

sunrise. To obtain authorization to travel during restricted times, application shall be made with any required documentation to the proper officials as designated by the Department. If an emergency permit is issued under this subsection, the requestor shall contact the Department of Transportation's central permit office on the next business day to complete any further documentation and pay the applicable fees.

(b) Upon the issuance of a special permit for an oversize or overweight vehicle by the Department of Transportation in accordance with this section, the applicant shall pay to the Department for a single trip permit a fee of twelve dollars (\$12.00) for each dimension over lawful dimensions, including height, length, width, and weight up to 132,000 pounds. For overweight vehicles, the applicant shall pay to the Department for a single trip permit in addition to the fee imposed by the previous sentence a fee of three dollars (\$3.00) per 1,000 pounds over 132,000 pounds.

Upon the issuance of an annual permit for a single vehicle, the applicant shall pay a fee in accordance with the following schedule:

Commodity:	Annual Fee:
Annual Permit to	
Move House Trailers or Trailer Frames	\$200.00
Annual Permit to Move Other Commodities	\$100.00

In addition to the fees set out in this subsection, applications for permits that require an engineering study for pavement or structures or other special conditions or considerations shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100.00).

This subsection does not apply to farm equipment or machinery being used at the time for agricultural purposes, nor to the moving of a house as provided for by the license and permit requirements of Article 16 of this Chapter. Fees will not be assessed for permits for oversize and overweight vehicles issued to any agency of the United States Government or the State of North Carolina, its agencies, institutions, subdivisions, or municipalities if the vehicle is registered in the name of the agency.

(b1) Neither the Department nor the Board may require review or renewal of annual permits, with or without fee, more than once per calendar year.

(b2) The Department shall issue single trip permits for the transport and delivery of a manufactured or modular home with a maximum width of 16 feet and a gutter edge that does not exceed three inches from the manufacturer to an authorized dealership within this State, for delivery of a manufactured or modular home by a manufacturer and authorized dealer or their transporters to a location within this State, and for transport and delivery of a manufactured or modular home by a homeowner from one location to another within this State. The Department shall promulgate rules that set the days allowed for transport and delivery, times of day transport or delivery may occur, the display and use of banners and escort vehicles for public safety purposes, and any other reasonable rules as are necessary to promote public safety and commerce. For the purposes of this subsection, manufactured home and modular home shall have the same meanings as those terms are defined in G.S. 105-164.3.

(b3) For a special permit issued under this section for the transport and delivery of cargo, containers, or other equipment, the Department may allow travel after sunset if the Department determines it will be safe and expedite traffic flow. The Department shall not include a term or condition prohibiting travel after sunset for any permitted shipments going to or from international ports. Nothing in this subsection precludes the Department from restricting movements it determines to be unsafe.



(c) Nothing in this section shall require the Department of Transportation to issue any permit for any load.

(d) For each violation of any of the terms or conditions of a special permit issued or where a permit is required but not obtained under this section the Department of Public Safety shall assess a civil penalty for each violation against the registered owner of the vehicle as follows:

- (1) A fine of one thousand five hundred dollars (\$1,500) for operating without the proper number of certified escorts as determined by the actual loaded weight or size of the vehicle combination.
- (1a) A fine of five hundred dollars (\$500.00) for any of the following: operating without the issuance of a permit, moving a load off the route specified in the permit, falsifying information to obtain a permit, or failing to comply with dimension restrictions of a permit.
- (2) A fine of two hundred fifty dollars (\$250.00) for moving loads beyond the distance allowances of an annual permit covering the movement of house trailers from the retailer's premises or for operating in violation of time of travel restrictions.
- (3) A fine of one hundred dollars (\$100.00) for any other violation of the permit conditions or requirements imposed by applicable regulations.

The Department of Transportation may refuse to issue additional permits or suspend existing permits if there are repeated violations of subdivision (1), (1a), or (2) of this subsection.

(d1) In addition to the penalties assessed under subsection (d) of this section, the Department of Public Safety shall assess a civil penalty, not to exceed ten thousand dollars (\$10,000), in accordance with G.S. 20-118(e)(1) and (e)(3) against the registered owner of the vehicle for any of the following:

- (1) Operating without the issuance of a required permit.
- (2) Operating off permitted route of travel.
- (3) Failing to comply with travel restrictions of the permit.
- (4) Operating without the proper vehicle registration or license for the class of vehicle being operated.

A violation of this subsection constitutes operating a vehicle without a special permit.

(e) It is the intent of the General Assembly that the permit fees provided in G.S. 20-119 shall be adjusted periodically to assure that the revenue generated by the fees is equal to the cost to the Department of administering the Oversize/Overweight Permit Unit Program within the Division of Highways. At least every two years, the Department shall review and compare the revenue generated by the permit fees and the cost of administering the program, and shall report to the Joint Legislative Transportation Oversight Committee created in G.S.120-70.50 its recommendations for adjustments to the permit fees to bring the revenues and the costs into alignment.

(f) The Department of Transportation shall issue rules to establish an escort driver training and certification program for escort vehicles accompanying oversize/overweight loads. Any driver operating a vehicle escorting an oversize/overweight load shall meet any training requirements and obtain certification under the rules issued pursuant to this subsection. These rules may provide for reciprocity with other states having similar escort certification programs. Certification credentials for the driver of an escort vehicle shall be carried in the vehicle and be readily available for inspection by law enforcement personnel. The escort and training certification requirements of this subsection shall not apply to the transportation of agricultural machinery until October 1, 2004.

The Department of Transportation shall develop and implement an in-house training program for agricultural machinery escorts by September 1, 2004.

(g) The Department of Transportation shall issue annual overwidth permits for the following:

- (1) A vehicle carrying agricultural equipment or machinery from the dealer to the farm or from the farm to the dealer that does not exceed 14 feet in width. A permit issued under this subdivision is valid for unlimited movement without escorts on all State highways where the overwidth vehicle does not exceed posted bridge and load limits.
- (2) A boat or boat trailer whose outside width equals or exceeds 120 inches. A permit issued under this subdivision must restrict a vehicle's towing of the boat or boat trailer to daylight hours only.

(h) No law enforcement officer shall issue a citation to a person for a violation of this section if the officer is able to determine by electronic means that the person has a permit valid at the time of the violation but does not have the permit in his or her possession. Any person issued a citation pursuant to this section who does not have the permit in his or her possession at the time of the issuance of the citation shall not be responsible for a violation, and the Department of Public Safety may not impose any fines under this section if the person submits evidence to the Department of the existence of a permit valid at the time of the violation within 30 days of the date of the violation.

(i) One, two, or three steel coils, transported on the same vehicle, shall be considered a nondivisible load for purposes of permit issuance pursuant to this section. (1937, c. 407, s. 83; 1957, c. 65, s. 11; 1959, c. 1129; 1973, c. 507, s. 5; 1977, c. 464, s. 34; 1981, c. 690, ss. 31, 32; c. 736, ss. 1, 2; 1989, c. 54; 1991, c. 604, ss. 1, 2; c. 689, s. 334; 1993, c. 539, s. 357; 1994, Ex. Sess., c. 24, s. 14(c); 2000-109, ss. 7(a), 7(f), 7(g); 2001-424, s. 27.10; 2003-383, s. 7; 2004-124, s. 30.3E(a), (b); 2004-145, s. 3; 2005-361, s. 4; 2007-290, s. 2; 2008-160, s. 2; 2008-229, s. 2; 2009-376, ss. 7, 8; 2011-145, s. 19.1(g); 2011-358, s. 1; 2016-90, s. 2.1(b); 2017-97, s. 1.)

#### **§ 20-119.1. Use of excess overweight and oversize fees.**

Funds generated by overweight and oversize permit fees in excess of the cost of administering the program, as determined pursuant to G.S. 20-119(e), shall be used for highway and bridge maintenance required as a result of damages caused from overweight or oversize loads. (2005-276, s. 28.5.)

#### **§ 20-120. Operation of flat trucks on State highways regulated; trucks hauling leaf tobacco in barrels or hogsheads.**

It shall be unlawful for any person, firm or corporation to operate, or have operated on any public highway in the State any open, flat truck loaded with logs, cotton bales, boxes or other load piled on said truck, without having the said load securely fastened on said truck.

It shall be unlawful for any firm, person or corporation to operate or permit to be operated on any highway of this State a truck or trucks on which leaf tobacco in barrels or hogsheads is carried unless each section or tier of such barrels or hogsheads are reasonably securely fastened to such truck or trucks by metal chains or wire cables, or manila or hemp ropes of not less than five-eighths inch in diameter, to hold said barrels or hogsheads in place under any ordinary traffic or road

condition: Provided that the provisions of this paragraph shall not apply to any truck or trucks on which the hogsheads or barrels of tobacco are arranged in a single layer, tier, or plane, it being the intent of this paragraph to require the use of metal chains or wire cables only when barrels or hogsheads of tobacco are stacked or piled one upon the other on a truck or trucks. Nothing in this paragraph shall apply to trucks engaged in transporting hogsheads or barrels of tobacco between factories and storage houses of the same company unless such hogsheads or barrels are placed upon the truck in tiers. In the event the hogsheads or barrels of tobacco are placed upon the truck in tiers same shall be securely fastened to the said truck as hereinbefore provided in this paragraph. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. (1939, c. 114; 1947, c. 1094; 1953, c. 240; 1993, c. 539, s. 358; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 20-121. When authorities may restrict right to use highways.**

The Department of Transportation or local authorities may prohibit the operation of vehicles upon or impose restrictions as to the weight thereof, for a total period not to exceed 90 days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the body adopting the ordinance is responsible, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be damaged unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The local authority enacting any such ordinance shall erect, or cause to be erected and maintained, signs designating the provisions of the ordinance at each end of that portion of any highway to which the ordinance is applicable, and the ordinance shall not be effective until or unless such signs are erected and maintained. (1937, c. 407, s. 84; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 34.)

**§ 20-121.1. Operation of a low-speed vehicle, mini-truck, or modified utility vehicle on certain roadways.**

The operation of a low-speed vehicle, mini-truck, or modified utility vehicle is authorized with the following restrictions:

- (1) A low-speed vehicle may be operated only on streets and highways where the posted speed limit is 35 miles per hour or less. A mini-truck or modified utility vehicle may be operated only on streets and highways where the posted speed limit is 55 miles per hour or less; provided, a modified utility vehicle may not be operated on any street or highway having four or more travel lanes unless the posted speed limit is 35 miles per hour or less. This subdivision does not prohibit a low-speed vehicle, mini-truck, or modified utility vehicle from crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle or mini-truck shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, windshield wipers, speedometer, seat belts, and a vehicle identification number. Any such required equipment shall be maintained in proper working order.
- (2a) A modified utility vehicle shall be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, a speedometer, seat belts, and a vehicle identification number. Any such required

equipment shall be maintained in proper working order. If a modified utility vehicle does not have a vehicle identification number, upon application by the owner, the Division shall assign a vehicle identification number to the modified utility vehicle prior to registration. The operator of and all passengers on a modified utility vehicle that is not equipped with a windshield and windshield wipers shall wear a safety helmet, with a retention strap properly secured, that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

- (3) A low-speed vehicle, mini-truck, or modified utility vehicle shall be registered and insured in accordance with G.S. 20-50 and G.S. 20-309.
- (4) Notwithstanding the provisions of any other subdivision of this section, the Department of Transportation may prohibit the operation of low-speed vehicles, mini-trucks, or modified utility vehicles on any road or highway if it determines that the prohibition is necessary in the interest of safety.
- (5) Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500.
- (6) Regardless of age, a mini-truck shall not qualify as an antique vehicle or historic vehicle as described in G.S. 20-79.4(b). (2001-356, s. 5; 2019-34, s. 3; 2020-40, s. 3; 2021-33, s. 2.)

#### **§ 20-123. Trailers and towed vehicles.**

- (a) The limitations in G.S. 20-116 on combination vehicles do not prohibit the towing of farm trailers not exceeding three in number nor exceeding a total length of 50 feet during the period from one-half hour before sunrise until one-half hour after sunset when a red flag of at least 12 inches square is prominently displayed on the last vehicle. The towing of farm trailers and equipment allowed by this subsection does not apply to interstate or federal numbered highways.
- (b) No trailer or semitrailer or other towed vehicle shall be operated over the highways of the State unless such trailer or semitrailer or other towed vehicle be firmly attached to the rear of the towing unit, and unless so equipped that it will not snake, but will travel in the path of the vehicle drawing such trailer or semitrailer or other towed vehicle, which equipment shall at all times be kept in good condition.
- (c) In addition to the requirements of subsections (a) and (b) of this section, the towed vehicle shall be attached to the towing unit by means of safety chains or cables which shall be of sufficient strength to hold the gross weight of the towed vehicle in the event the primary towing device fails or becomes disconnected while being operated on the highways of this State if the primary towing attachment is a ball hitch. Trailers and semitrailers having locking pins or bolts in the towing attachment to prevent disconnection, and the locking pins or bolts are of sufficient strength and condition to hold the gross weight of the towed vehicle, need not be equipped with safety chains or cables unless their operation is subject to the requirements of the Federal Motor Carrier Safety Regulations. Semitrailers in combinations of vehicles that are equipped with fifth wheel assemblies that include locking devices need not be equipped with safety chains or cables. (1937, c. 407, s. 86; 1955, c. 296, s. 3; 1963, c. 356, s. 2; c. 1027, s. 2; 1965, c. 966; 1971, c. 639; 1973, c. 507, s. 5; 1975, c. 716, s. 5; 1977, c. 464, s. 34; 1981 (Reg. Sess., 1982), c. 1195; 1993, c. 71, s. 1; 1995 (Reg. Sess., 1996), c. 756, s. 15; 1997-148, s. 8.)

**§ 20-129. Required lighting equipment of vehicles.**

(a) When Vehicles Must Be Equipped. - Every vehicle upon a highway within this State shall be equipped with lighted headlamps and rear lamps as required for different classes of vehicles, and subject to exemption with reference to lights on parked vehicles as declared in G.S. 20-134:

- (1) During the period from sunset to sunrise,
- (2) When there is not sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead, or
- (3) Repealed by Session Laws 1989 (Reg. Sess., 1990), c. 822, s. 1.
- (4) At any other time when windshield wipers are in use as a result of smoke, fog, rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street and highway at a distance of 500 feet ahead, provided, however, the provisions of this subdivision shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow. Any person violating this subdivision during the period from October 1, 1990, through December 31, 1991, shall be given a warning of the violation only. Thereafter, any person violating this subdivision shall have committed an infraction and shall pay a fine of five dollars (\$5.00) and shall not be assessed court costs. No drivers license points, insurance points or premium surcharge shall be assessed on account of violation of this subdivision and no negligence or liability shall be assessed on or imputed to any party on account of a violation of this subdivision. The Commissioner of Motor Vehicles and the Superintendent of Public Instruction shall incorporate into driver education programs and driver licensing programs instruction designed to encourage compliance with this subdivision as an important means of reducing accidents by making vehicles more discernible during periods of limited visibility.

(b) Headlamps on Motor Vehicles. - Every self-propelled motor vehicle other than motorcycles, road machinery, and farm tractors shall be equipped with at least two headlamps, all in good operating condition with at least one on each side of the front of the motor vehicle. Headlamps shall comply with the requirements and limitations set forth in G.S. 20-131 or 20-132.

(c) Headlamps on Motorcycles. - Every motorcycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations set forth in G.S. 20-131 or 20-132. The headlamps on a motorcycle shall be lighted at all times while the motorcycle is in operation on highways or public vehicular areas. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles.

(d) Rear Lamps. - Every motor vehicle, and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles, shall have all originally equipped rear lamps or the equivalent in good working order, which lamps shall exhibit a red light plainly visible under normal atmospheric conditions from a distance of 500 feet to the rear of such vehicle. One rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be illuminated by a white light as to be read from a distance of 50 feet to the rear of such vehicle. Every trailer or semitrailer shall carry at the rear, in addition to the originally equipped lamps, a red reflector of the type which has been approved by the Commissioner and which is so located as to height and

is so maintained as to be visible for at least 500 feet when opposed by a motor vehicle displaying lawful undimmed lights at night on an unlighted highway.

Notwithstanding the provisions of the first paragraph of this subsection, it shall not be necessary for a trailer weighing less than 4,000 pounds, or a trailer described in G.S. 20-51(6) weighing less than 6,500 pounds, to carry or be equipped with a rear lamp, provided such vehicle is equipped with and carries at the rear two red reflectors of a diameter of not less than three inches, such reflectors to be approved by the Commissioner, and which are so designed and located as to height and are maintained so that each reflector is visible for at least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway.

The rear lamps of a motorcycle shall be lighted at all times while the motorcycle is in operation on highways or public vehicular areas.

(e) Lamps on Bicycles. - Every bicycle shall be equipped with a reflex mirror on the rear and both of the following when operated at night on any public street, public vehicular area, or public greenway:

- (1) A lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle.
- (2) A lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 300 feet to the rear of such bicycle, or the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle.

(f) Lights on Other Vehicles. - All vehicles not heretofore in this section required to be equipped with specified lighted lamps shall carry on the left side one or more lighted lamps or lanterns projecting a white light, visible under normal atmospheric conditions from a distance of not less than 500 feet to the front of such vehicle and visible under like conditions from a distance of not less than 500 feet to the rear of such vehicle, or in lieu of said lights shall be equipped with reflectors of a type which is approved by the Commissioner. Farm tractors operated on a highway at night must be equipped with at least one white lamp visible at a distance of 500 feet from the front of the tractor and with at least one red lamp visible at a distance of 500 feet to the rear of the tractor. Two red reflectors each having a diameter of at least four inches may be used on the rear of the tractor in lieu of the red lamp.

(g) No person shall sell or operate on the highways of the State any motor vehicle manufactured after December 31, 1955, and on or before December 31, 1970, unless it shall be equipped with a stop lamp on the rear of the vehicle. No person shall sell or operate on the highways of the State any motor vehicle, manufactured after December 31, 1970, unless it shall be equipped with stop lamps, one on each side of the rear of the vehicle. No person shall sell or operate on the highways of the State any motorcycle or motor-driven cycle, manufactured after December 31, 1955, unless it shall be equipped with a stop lamp on the rear of the motorcycle or motor-driven cycle. The stop lamps shall emit, reflect, or display a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon application of the service (foot) brake. The stop lamps may be incorporated into a unit with one or more other rear lamps.

(h) Backup Lamps. - Every motor vehicle originally equipped with white backup lamps shall have those lamps in operating condition. (1937, c. 407, s. 92; 1939, c. 275; 1947, c. 526; 1955, c. 1157, ss. 3-5, 8; 1957, c. 1038, s. 1; 1967, cc. 1076, 1213; 1969, c. 389; 1973, c. 531, ss. 1, 2; 1979, c. 175; 1981, c. 549, s. 1; 1985, c. 66; 1987, c. 611; 1989 (Reg. Sess., 1990), c. 822, s.

1; 1991, c. 18, s. 1; 1999-281, s. 1; 2015-31, s. 1; 2015-163, s. 6; 2015-241, s. 29.36B(a); 2016-90, s. 5.1(a); 2017-211, s. 12(a).)

#### **§ 20-130. Additional permissible light on vehicle.**

(a) Spot Lamps. - Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than 100 feet ahead of the vehicle. No spot lamps shall be used on the rear of any vehicle. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles.

(b) Auxiliary Driving Lamps. - Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in G.S. 20-131, subsection (c).

(c) Restrictions on Lamps. - Any device, other than headlamps, spot lamps, or auxiliary driving lamps, which projects a beam of light of an intensity greater than 25 candlepower, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 50 feet from the vehicle.

(d) Electronically Modulated Headlamps. - Nothing contained in this Chapter shall prohibit the use of electronically modulated headlamps on motorcycles, law-enforcement and fire department vehicles, county fire marshals and Emergency Management coordinators, public and private ambulances, and rescue squad emergency service vehicles, provided such headlamps and light modulator are of a type or kind which have been approved by the Commissioner of Motor Vehicles.

(e) High Mounted Flashing Deceleration Lamps. - Public transit vehicles may be equipped with amber, high mounted, flashing deceleration lamps on the rear of the vehicle.

(f) Light Bar Lighting Device. - Notwithstanding any provision of this section to the contrary, and excluding vehicles described in subsection (d) of this section, and excluding vehicles listed in G.S. 20-130.1(b), no person shall drive a motor vehicle on the highways of this State while using a light bar lighting device. This subsection does not apply to or otherwise restrict use of a light bar lighting device with strobing lights. For purposes of this subsection, the term "light bar lighting device" means a bar-shaped lighting device comprised of multiple lamps capable of projecting a beam of light at an intensity greater than that set forth in subsection (c) of this section. (1937, c. 407, s. 93; 1977, c. 104; 1989, c. 770, s. 7; 2004-82, s. 1; 2015-163, s. 7; 2017-112, s. 1.)

#### **§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

(a) It is unlawful for any person to install or activate or operate a red light in or on any vehicle in this State. As used in this subsection, unless the context requires otherwise, "red light" means an operable red light not sealed in the manufacturer's original package which: (i) is designed for use by an emergency vehicle or is similar in appearance to a red light designed for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery, vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light" shall also mean any red light installed on a vehicle after initial manufacture of the vehicle.



- (b) The provisions of subsection (a) of this section do not apply to the following:
- (1) A police vehicle.
  - (2) A highway patrol vehicle.
  - (3) A vehicle owned by the Wildlife Resources Commission and operated exclusively for law enforcement, firefighting, or other emergency response purposes.
  - (4) An ambulance.
  - (5) A vehicle used by an organ procurement organization or agency for the recovery and transportation of blood, human tissues, or organs for transplantation.
  - (6) A fire-fighting vehicle.
  - (7) A school bus.
  - (8) A vehicle operated by any member of a municipal or rural fire department in the performance of his duties, regardless of whether members of that fire department are paid or voluntary.
  - (9) A vehicle of a voluntary lifesaving organization (including the private vehicles of the members of such an organization) that has been officially approved by the local police authorities and which is manned or operated by members of that organization while answering an official call.
  - (10) A vehicle operated by medical doctors or anesthetists in emergencies.
  - (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural policeman in any county, regardless of whether or not the county owns the vehicle.
  - (11a) A vehicle operated by the State Fire Marshal or his representatives in the performance of their duties, whether or not the State owns the vehicle.
  - (12) A vehicle operated by any county fire marshal, assistant fire marshal, or emergency management coordinator in the performance of his duties, regardless of whether or not the county owns the vehicle.
  - (13) A light required by the Federal Highway Administration.
  - (14) A vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation.
  - (15) A vehicle operated by an emergency medical service as an emergency support vehicle.
  - (16) A State emergency management vehicle.
  - (17) An Incident Management Assistance Patrol vehicle operated by the Department of Transportation, when using rear-facing red lights while stopped for the purpose of providing assistance or incident management.
  - (18) A vehicle operated by the Division of Marine Fisheries of the Department of Environmental Quality or the Division of Parks and Recreation of the Department of Natural and Cultural Resources that is used for law enforcement, firefighting, or other emergency response purpose.
  - (19) A vehicle operated by the North Carolina Forest Service of the Department of Agriculture and Consumer Services that is used for law enforcement, firefighting, or other emergency response purpose.



- (20) A vehicle operated by official members or Teams of REACT International, Inc., that is used to provide additional manpower authorized by law enforcement, firefighting, or other emergency response entities.

(c) It is unlawful for any person to possess a blue light or to install, activate, or operate a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law enforcement purposes or any other vehicle when used by law enforcement officers in the performance of their official duties. As used in this subsection, unless the context requires otherwise, "blue light" means any blue light installed on a vehicle after initial manufacture of the vehicle; or an operable blue light which:

- (1) Is not (i) being installed on, held in inventory for the purpose of being installed on, or held in inventory for the purpose of sale for installation on a vehicle on which it may be lawfully operated or (ii) installed on a vehicle which is used solely for the purpose of demonstrating the blue light for sale to law enforcement personnel;
- (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a blue light designed for use by an emergency vehicle; and
- (2) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery.

(c1) The provisions of subsection (c) of this section do not apply to the possession and installation of an inoperable blue light on a vehicle that is inspected by and registered with the Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general daily transportation. For purposes of this subsection, "inoperable blue light" means a blue-colored lamp housing or cover that does not contain a lamp or other mechanism having the ability to produce or emit illumination.

(d) Repealed by Session Laws 1999-249, s. 1.

(e) Violation of subsection (a) or (c) of this section is a Class 1 misdemeanor. (1943, c. 726; 1947, c. 1032; 1953, c. 354; 1955, c. 528; 1957, c. 65, s. 11; 1959, c. 166, s. 2; c. 1170, s. 2; 1967, c. 651, s. 1; 1971, c. 1214; 1977, c. 52, s. 2; c. 438, s. 2; 1979, c. 653, s. 1; c. 887; 1983, c. 32, s. 1; c. 768, s. 6; 1985 (Reg. Sess., 1986), c. 1027, s. 50; 1989, c. 537, s. 2; 1989 (Reg. Sess., 1990), c. 1020, s. 2; 1991, c. 263, s. 1; 1993, c. 539, s. 361; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 719, s. 1; 1995, c. 168, s. 1; 1995 (Reg. Sess., 1996), c. 756, s. 16; 1999-249, s. 1; 2005-152, s. 1; 2009-526, s. 1; 2009-550, s. 3; 2010-132, s. 11; 2013-415, s. 1(b); 2015-241, s. 14.30(ff); 2015-276, s. 2.)

#### **§ 20-140.2. Overloaded or overcrowded vehicle.**

No person shall operate upon a highway or public vehicular area a motor vehicle which is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the highway or public vehicular area, including intersections, or so as to impair or restrict otherwise the proper operation of the vehicle. (1953, c. 1233; 1967, c. 674, s. 1; 1973, c. 1143, s. 2; c. 1330, s. 4.)

**§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways and other controlled-access highways.**

On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access highways, it shall be unlawful for any person:

- (1) To drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb, separation section, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or at designated parking areas.
- (6) To fail to yield the right-of-way when entering the highway to any vehicle already travelling on the highway.
- (7) Notwithstanding any other subdivision of this section, a law enforcement officer may cross the median of a divided highway when the officer has reasonable grounds to believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the officer has reasonable grounds to believe that the officer's presence is immediately required at a location which would necessitate crossing a median of a divided highway for this purpose. Fire department vehicles and public or private ambulances and rescue squad emergency service vehicles traveling in response to a fire alarm or other emergency call may cross the median of a divided highway when assistance is immediately required at a location which would necessitate the vehicle crossing a median of a divided highway for this purpose. (1973, c. 1330, s. 5; 1977, c. 731, s. 1; 1999-330, s. 5.)

**§ 20-140.4. Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

- (1) When the number of persons upon or within such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.
- (2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator of, or any passengers within, an autocycle that has completely enclosed seating or is equipped with a roll bar or roll cage.

(b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty cents (\$25.50) plus the following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this section has no other consequence.

(d) No drivers license points or insurance surcharge shall be assessed on account of violation of this section. (1973, c. 1330, s. 6; 1989, c. 711, s. 1; 2007-360, s. 7; 2009-451, s. 15.20(k); 2015-163, s. 11; 2016-90, s. 12.5(b); 2019-227, s. 6(a).)

#### **§ 20-141. Speed restrictions.**

(a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

(1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.

(2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except for school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe-speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

(1) Forty miles per hour in a speed zone of 55 miles per hour.

(2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

(d) (1) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality), the Department of Transportation shall determine and declare a reasonable and safe speed limit.

(d) (2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State

highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

- (e1) Local authorities within their respective jurisdictions may authorize, by ordinance, lower speed limits than those set in subsection (b) of this section on school property. If the lower speed limit is being set on the grounds of a public school, the local school administrative unit must request or consent to the lower speed limit. If the lower speed limit is being set on the grounds of a private school, the governing body of the school must request or consent to the lower speed limit. Speed limits established pursuant to this subsection shall become effective when appropriate signs giving notice of the speed limit are erected upon affected property. A person who drives a motor vehicle on school property at a speed greater than the speed limit set and posted under this subsection is responsible for an infraction and is required to pay a penalty of two hundred fifty dollars (\$250.00).
- (f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

When local authorities annex a road on the State highway system, the speed limit posted on the road at the time the road was annexed shall remain in effect until both the Department and municipality pass concurrent ordinances to change the speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. 20-141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits outside of municipalities, without action of the municipality.

- (g) Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Department of Transportation or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Department of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.
- (h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe

operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Department of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) Repealed by Session Laws 1997, c. 443, s. 19.26(b).

(j1) A person who drives a vehicle on a highway at a speed that is either more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or over 80 miles per hour is guilty of a Class 3 misdemeanor.

(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles.

(j3) A person is guilty of a Class 2 misdemeanor if the person drives a commercial motor vehicle carrying a load that is subject to the permit requirements of G.S. 20-119 upon a highway or any public vehicular area at a speed of 15 miles per hour or more above either:

(1) The posted speed; or

(2) The restricted speed, if any, of the permit, or if no permit was obtained, the speed that would be applicable to the load if a permit had been obtained.

(k) Repealed by Session Laws 1995 (Regular Session, 1996), c. 652, s. 1.

(l) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, including municipal charters, any speed limit on any portion of the public highways within the jurisdiction of this State shall be uniformly applicable to all types of motor vehicles using such portion of the highway, if on November 1, 1973, such portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. Provided, however, that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. The requirement for a uniform speed limit hereunder shall not apply to any portion of the highway during such time as the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of the highway.

(m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

- (n) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, the failure of a motorist to stop his vehicle within the radius of its headlights or the range of his vision shall not be held negligence per se or contributory negligence per se.
  - (o) A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this section, and shall be subject to the following limitations and conditions:
    - (1) A violation of G.S. 20-123.2 shall be recorded in the driver's official record as "Improper equipment - Speedometer."
    - (2) The lesser included offense under this subsection shall not apply to charges of speeding in excess of 25 miles per hour or more over the posted speed limit.
- No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection.
- (p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued. (1937, c. 297, s. 2; c. 407, s. 103; 1939, c. 275; 1941, c. 347; 1947, c. 1067, s. 17; 1949, c. 947, s. 1; 1953, c. 1145; 1955, c. 398; c. 555, ss. 1, 2; c. 1042; 1957, c. 65, s. 11; c. 214; 1959, c. 640; c. 1264, s. 10; 1961, cc. 99, 1147; 1963, cc. 134, 456, 949; 1967, c. 106; 1971, c. 79, ss. 1-3; 1973, c. 507, s. 5; c. 1330, s. 7; 1975, c. 225; 1977, c. 367; c. 464, s. 34; c. 470; 1983, c. 131; 1985, c. 764, ss. 29, 30; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 164; 1991 (Reg. Sess., 1992), c. 818, s. 1; c. 1034, s. 1; 1993, c. 539, ss. 366, 367; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 652, s. 1; 1997-341, s. 1; 1997-443, s. 19.26(b); 1997-488, s. 1; 1999-330, s. 3; 2000-109, s. 7(c); 2003-110, s. 1; 2004-203, s. 70(a); 2005-349, s. 11; 2007-380, ss. 1, 2; 2009-234, ss. 1, 2; 2011-64, s. 2; 2012-194, s. 9; 2013-360, s. 18B.14(k).)

#### **§ 20-141.1. Speed limits in school zones.**

The Board of Transportation or local authorities within their respective jurisdictions may, by ordinance, set speed limits lower than those designated in G.S. 20-141 for areas adjacent to or near a public, private or parochial school. Limits set pursuant to this section shall become effective when signs are erected giving notice of the school zone, the authorized speed limit, and the days and hours when the lower limit is effective, or by erecting signs giving notice of the school zone, the authorized speed limit and which indicate the days and hours the lower limit is effective by an electronic flasher operated with a time clock. Limits set pursuant to this section may be enforced only on days when school is in session, and no speed limit below 20 miles per hour may be set under the authority of this section. A person who drives a motor vehicle in a school zone at a speed greater than the speed limit set and posted under this section is responsible for an infraction and is required to pay a penalty of two hundred fifty dollars (\$250.00). (1977, c. 902, s. 2; 1979, c. 613; 1997-341, s. 1.1; 2011-64, s. 1.)

#### **§ 20-142.1. Obedience to railroad signal.**

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. These requirements apply when:

- (1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train or on-track equipment;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or on-track equipment;
- (3) A railroad train or on-track equipment approaching within approximately 1500 feet of the highway crossing emits a signal audible from that distance, and the railroad train or on-track equipment is an immediate hazard because of its speed or nearness to the crossing; or
- (4) An approaching railroad train or on-track equipment is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(c) When stopping as required at a railroad crossing, the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(d) Any person who violates any provisions of this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

(e) An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer will also be subject to a civil penalty under G.S. 20-37.21. (1991, c. 368, s. 1; 2005-349, s. 12; 2019-36, s. 2.)

#### **§ 20-142.2. Vehicles stop at certain grade crossing.**

The Department of Transportation may designate particularly dangerous highway crossings of railroads and erect stop signs at those crossings. When a stop sign is erected at a highway crossing of a railroad, the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such grade crossing and shall proceed only upon exercising due care. Any person who violates this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se. An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer will also be subject to a civil penalty under G.S. 20-37.21. (1991, c. 368, s. 1; 2005-349, s. 13.)



**§ 20-142.3. Certain vehicles must stop at railroad grade crossing.**

(a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus, any activity bus, any motor vehicle carrying passengers for compensation, any commercial motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for any approaching train or on-track equipment and shall not proceed until the driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track without changing gears and the driver shall not change gears while crossing the track or tracks.

(b) Except for school buses and activity buses, the provisions of this section shall not require the driver of a vehicle to stop:

- (1) At railroad tracks used exclusively for industrial switching purposes within a business district.
- (2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.
- (3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train or on-track equipment, when the gate or flashing signal does not indicate the approach of a train or on-track equipment.
- (4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.
- (5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) A person violating the provisions of this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

(d), (e) Repealed by Session Laws 2001-487, s. 50(g).

(f) An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer will also be subject to a civil penalty under G.S. 20-37.21. (1991, c. 368, s. 1; 1999-274, ss. 1, 2; 2001-487, s. 50(g); 2005-349, s. 14; 2019-36, s. 3.)

**§ 20-142.4. Moving heavy equipment at railroad grade crossing.**

(a) No person shall operate or move any crawler-type tractor, crane, or roller or any equipment or structure having a normal operating speed of five or less miles per hour upon or across any tracks at a railroad crossing without first complying with this section.

(b) Notice of any intended crossing described in subsection (a) of this section shall be given to a superintendent of the railroad and a reasonable time be given to the railroad to provide protection at the crossing.

(c) Before making any crossing described in subsection (a) of this section, the person operating or moving the vehicle or equipment shall:

- (1) Stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail of the railroad;



- (2) While stopped, shall listen and look both directions along the track for any approaching train or on-track equipment and for signals indicating the approach of a train or on-track equipment; and
- (3) Shall not proceed until the crossing can be made safely.
- (d) No crossing described in subsection (a) of this section shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or on-track equipment.
- (e) Subsection (c) of this section shall not apply at any railroad crossing where State or local authorities have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "Exempt".
- (f) Any person who violates any provision of this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.
- (g) An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer will also be subject to a civil penalty under G.S. 20-37.21. (1991, c. 368, s. 1; 2005-349, s. 15; 2019-36, s. 4.)

#### **§ 20-142.5. Stop when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains or on-track equipment, notwithstanding the indication of any traffic control signal to proceed. Any person who violates any provision of this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

An employer who knowingly allows, requires, permits, or otherwise authorizes a driver of a commercial motor vehicle to violate this section shall be guilty of an infraction. Such employer will also be subject to a civil penalty under G.S. 20-37.21. (1991, c. 368, s. 1; 2005-349, s. 16; 2019-36, s. 5.)

#### **§§ 20-143 through 20-143.1: Repealed by Session Laws 1991, c. 368, s. 2.**

#### **§ 20-144. Special speed limitation on bridges.**

It shall be unlawful to drive any vehicle upon any public bridge, causeway or viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is signposted as provided in this section.

The Department of Transportation, upon request from any local authorities, shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Article, the Division shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet beyond

each end of such structure. The findings and determination of the Department of Transportation shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon. (1937, c. 407, s. 106; 1957, c. 65, s. 11; 1973, c. 507, ss. 5, 21; 1975, c. 716, s. 5; 1977, c. 464, s. 34.)

#### **§ 20-145. When speed limit not applicable.**

The speed limitations set forth in this Article shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances and rescue squad emergency service vehicles when traveling in emergencies, nor to vehicles operated by county fire marshals and civil preparedness coordinators when traveling in the performances of their duties, nor to any of the following when either operated by a law enforcement officer in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, when traveling in response to a fire alarm, or for other emergency response purposes: (i) a vehicle operated by the Division of Marine Fisheries of the Department of Environmental Quality or the Division of Parks and Recreation of the Department of Natural and Cultural Resources or (ii) a vehicle operated by the North Carolina Forest Service of the Department of Agriculture and Consumer Services. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others. (1937, c. 407, s. 107; 1947, c. 987; 1971, c. 5; 1977, c. 52, s. 3; 1985, c. 454, s. 5; 2013-415, s. 1(c); 2015-241, s. 14.30(gg).)

#### **§ 20-146. Drive on right side of highway; exceptions.**

(a) Upon all highways of sufficient width a vehicle shall be driven upon the right half of the highway except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) Upon a highway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a highway designated and signposted for one-way traffic.

(a1) Self-propelled grain combines or other self-propelled farm equipment shall be operated to the right of the centerline except as provided in G.S. 20-116(j)(4).

(b) Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(c) Upon any highway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the highway, except when authorized by official traffic-control devices designating certain lanes to the left side

of the center of the highway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (a)(2) hereof.

(d) Whenever any street has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a street which is divided into three or more lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in the preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control device.
- (3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the direction of every such device.
- (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device.

(e) Notwithstanding any other provisions of this section, when appropriate signs have been posted, it shall be unlawful for any person to operate a motor vehicle over and upon the inside lane, next to the median of any dual-lane highway at a speed less than the posted speed limit when the operation of said motor vehicle over and upon said inside lane shall impede the steady flow of traffic except when preparing for a left turn. "Appropriate signs" as used herein shall be construed as including "Slower Traffic Keep Right" or designations of similar import. (1937, c. 407, s. 108; 1965, c. 678, s. 2; 1973, c. 1330, s. 3; 1975, c. 593; 1985, c. 764, s. 25; 1985 (Reg. Sess., 1986), c. 852, s. 17; 2001-487, s. 11; 2015-263, s. 6(b).)

#### **§ 20-146.1. Operation of motorcycles.**

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) Motorcycles shall not be operated more than two abreast in a single lane. For purposes of this subsection, the term "motorcycle" shall not include autocycles. Autocycles shall not be operated more than one abreast in a single lane. (1965, c. 909; 1973, c. 1330, s. 14; 1975, c. 786; 2015-163, s. 12.)

**§ 20-146.2. Rush hour traffic lanes authorized.**

- (a) HOV Lanes. - The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated openings. A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to any of the following:
- (1) Motorcycles.
  - (2) Vehicles designed to transport 15 or more passengers, regardless of the actual number of occupants.
  - (3) Emergency vehicles. As used in this subdivision, the term "emergency vehicle" means any law enforcement, fire, police, or other government vehicle, and any public and privately owned ambulance or emergency service vehicle, when responding to an emergency.
  - (4) Plug-in electric vehicles as defined in G.S. 20-4.01(28a), regardless of the number of passengers in the vehicle. These vehicles must be able to travel at the posted speed limit while operating in the HOV lane.
  - (5) Dedicated natural gas vehicles as defined in G.S. 20-4.01(5a), regardless of the number of passengers in the vehicle. These vehicles must be able to travel at the posted speed limit while operating in the HOV lane.
  - (6) Fuel cell electric vehicles as defined in G.S. 20-4.01(12a), regardless of the number of passengers in the vehicle. These vehicles must be able to travel at the posted speed limit while operating in the HOV lane.
- (a1) Transitway Lanes. - The Department of Transportation may designate one or more travel lanes as a transitway on streets and highways on the State Highway System and cities may designate one or more travel lanes as a transitway on streets on the Municipal Street System. Transitways shall be reserved for public transportation vehicles as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When transitways have been designated, and they have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated transportation vehicles as determined by the Department or the city having jurisdiction.
- (b) Temporary Peak Traffic Shoulder Lanes. - The Department of Transportation may modify, upgrade, and designate shoulders of controlled access facilities and partially controlled access facilities as temporary travel lanes during peak traffic periods. When these shoulders have been appropriately marked, it shall be unlawful to use these shoulders for stopping or emergency parking. Emergency parking areas shall be designated at other appropriate areas, off these shoulders, when available.
- (c) Directional Flow Peak Traffic Lanes. - The Department of Transportation may designate travel lanes for the directional flow of peak traffic on streets and highways on the State Highway System and cities may designate travel lanes for the directional flow of peak traffic on streets on the

Municipal Street System. These travel lanes may be designated for time periods by the agency controlling the streets and highways. (1987, c. 547, s. 1; 1999-350, s. 1; 2003-184, s. 5; 2011-95, s. 2; 2011-206, s. 2; 2012-194, s. 10.)

**§ 20-147. Keep to the right in crossing intersections or railroads.**

In crossing an intersection of highways or the intersection of a highway by a railroad right-of-way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right side is obstructed or impassable. (1937, c. 407, s. 109.)

**§ 20-148. Meeting of vehicles.**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one half of the main-traveled portion of the roadway as nearly as possible. (1937, c. 407, s. 110.)

**§ 20-149. Overtaking a vehicle.**

(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G.S. 20-150(e) or G.S. 20-150.1.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle while being lawfully overtaken on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Failure to comply with this subsection:

- (1) Is a Class 1 misdemeanor when the failure is the proximate cause of a collision resulting in serious bodily injury.
- (2) Is a Class 2 misdemeanor when the failure is the proximate cause of a collision resulting in bodily injury or property damage.
- (3) Is, in all other cases, an infraction. (1937, c. 407, s. 111; 1955, c. 913, s. 3; 1959, c. 247; 1973, c. 1330, s. 15; 1995, c. 283, s. 1; 2016-90, s. 5.5(b).)

**§ 20-150. Limitations on privilege of overtaking and passing.**

(a) The driver of a vehicle shall not drive to the left side of the center of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless permitted so to do by a traffic or police officer. For the purposes of this section the words "intersection of

highway" shall be defined and limited to intersections designated and marked by the Department of Transportation by appropriate signs, and street intersections in cities and towns.

(d) The driver of a vehicle shall not drive to the left side of the centerline of a highway upon the crest of a grade or upon a curve in the highway where such centerline has been placed upon such highway by the Department of Transportation, and is visible.

(e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted. The prohibition in this section shall not apply when the overtaking and passing is done in accordance with all of the following:

- (1) The slower moving vehicle to be passed is a bicycle or a moped.
- (2) The slower moving vehicle is proceeding in the same direction as the faster moving vehicle.
- (3) The driver of the faster moving vehicle either (i) provides a minimum of four feet between the faster moving vehicle and the slower moving vehicle or (ii) completely enters the left lane of the highway.
- (4) The operator of the slower moving vehicle is not (i) making a left turn or (ii) signaling in accordance with G.S. 20-154 that he or she intends to make a left turn.
- (5) The driver of the faster moving vehicle complies with all other applicable requirements set forth in this section.

(f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left in or from an alley, private road, or driveway. (1937, c. 407, s. 112; 1955, c. 862; c. 913, s. 2; 1957, c. 65, s. 11; 1969, c. 13; 1973, c. 507, s. 5; c. 1330, s. 16; 1977, c. 464, s. 34; 1979, c. 472; 2016-90, s. 5.5(a).)

#### **§ 20-150.1. When passing on the right is permitted.**

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is in a lane designated for left turns;
- (2) Upon a street or highway with unobstructed pavement of sufficient width which have been marked for two or more lanes of moving vehicles in each direction and are not occupied by parked vehicles;
- (3) Upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement when such street or highway is free from obstructions and is of sufficient width and is marked for two or more lanes of moving vehicles which are not occupied by parked vehicles;
- (4) When driving in a lane designating a right turn on a red traffic signal light. (1953, c. 679.)

#### **§ 20-151: Repealed by Session Laws 1995, c. 283, s. 2.**



#### **§ 20-152. Following too closely.**

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor vehicle traveling upon a highway outside of a business or residential district and following another motor vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle from overtaking and passing another motor vehicle. This provision shall not apply to funeral processions.

(c) Subsections (a) and (b) of this section shall not apply to the driver of any non-leading commercial motor vehicle traveling in a platoon on any roadway where the Department of Transportation has by traffic ordinance authorized travel by platoon. For purposes of this subsection, the term "platoon" means a group of individual commercial motor vehicles traveling at close following distances in a unified manner through the use of an electronically interconnected braking system. (1937, c. 407, s. 114; 1949, c. 1207, s. 4; 1973, c. 1330, s. 17; 2017-169, s. 1.)

#### **§ 20-153. Turning at intersections.**

(a) Right Turns. - Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns. - The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in the direction upon the roadway being entered.

(c) Local authorities and the Department of Transportation, in their respective jurisdictions, may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers, or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed. (1937, c. 407, s. 115; 1955, c. 913, s. 5; 1973, c. 1330, s. 18; 1977, c. 464, s. 34; 1997-405, s. 1.)

#### **§ 20-154. Signals on starting, stopping or turning.**

(a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section, plainly visible to the driver of such other vehicle, of the intention to make such movement. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(a1) A person who violates subsection (a) of this section and causes a motorcycle or bicycle operator to change travel lanes or leave that portion of any public street or highway designated as travel lanes shall be responsible for an infraction and shall be assessed a fine of not less than two hundred dollars (\$200.00). A person who violates subsection (a) of this section that results in a crash causing property damage or personal injury to a motorcycle or bicycle operator or passenger

shall be responsible for an infraction and shall be assessed a fine of not less than five hundred dollars (\$500.00) unless subsection (a2) of this section applies.

(a2) A person who violates subsection (a) of this section and the violation results in a crash causing property damage in excess of five thousand dollars (\$5,000) or a serious bodily injury as defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars (\$750.00). A violation of this subsection shall be treated as a failure to yield right-of-way to a motorcycle or bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the trial judge shall have the authority to order the license of any driver violating this subsection suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), (5), and G.S. 20-16.1(g).

(b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division.

Except as otherwise provided in subsection (b1) of this section, whenever the signal is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth.

Left turn - hand and arm horizontal, forefinger pointing.

Right turn - upper arm horizontal, forearm and hand pointed upward.

Stop - upper arm horizontal, forearm and hand pointed downward.

All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn. Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel shall be given continuously during the last 200 feet traveled before turning.

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles except combinations operated by farmers in hauling farm products.

(b1) Notwithstanding the requirement set forth in subsection (b) of this section that a driver signal a right turn by extending his or her hand and arm from beyond the left side of the vehicle, an operator of a bicycle may signal his or her intention to make a right turn by extending his or her hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle.

(c) No person shall operate over the highways of this State a right-hand-drive motor vehicle or a motor vehicle equipped with the steering mechanism on the right-hand side thereof unless said motor vehicle is equipped with mechanical or electrical signal devices by which the signals for left turns and right turns may be given. Such mechanical or electrical devices shall be approved by the Division.



(d) A violation of this section shall not constitute negligence per se. (1937, c. 407, s. 116; 1949, c. 1016, s. 1; 1951, cc. 293, 360; 1955, c. 1157, s. 9; 1957, c. 488, s. 2; 1965, c. 768; 1973, c. 1330, s. 19; 1975, c. 716, s. 5; 1981, c. 599, s. 4; 1985, c. 96; 2011-361, s. 1; 2013-366, s. 5(a); 2016-90, s. 5.5(c).)

#### **§ 20-155. Right-of-way.**

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (b) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.
- (c) The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.
- (d) The driver of any vehicle approaching but not having entered a traffic circle shall yield the right-of-way to a vehicle already within such traffic circle. (1937, c. 407, s. 117; 1949, c. 1016, s. 2; 1955, c. 913, ss. 6, 7; 1967, c. 1053; 1973, c. 1330, s. 20.)

#### **§ 20-156. Exceptions to the right-of-way rule.**

(a) The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

(b) The driver of a vehicle upon the highway shall yield the right-of-way to police and fire department vehicles and public and private ambulances, vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation, and to rescue squad emergency service vehicles and vehicles operated by county fire marshals and civil preparedness coordinators, and to a vehicle operated by the Division of Marine Fisheries of the Department of Environmental Quality or the Division of Parks and Recreation of the Department of Natural and Cultural Resources when used for law enforcement, firefighting, or other emergency response purpose, and to a vehicle operated by the North Carolina Forest Service of the Department of Agriculture and Consumer Services when used for a law enforcement, firefighting, or other emergency response purpose, when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet. When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe signal or a beam of steady or flashing red light. This provision shall not operate to relieve the driver of a police or fire department vehicle, or a vehicle owned or operated by the Department of

Environmental Quality, or the Department of Agriculture and Consumer Services, or public or private ambulance or vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation, or rescue squad emergency service vehicle or county fire marshals or civil preparedness coordinators from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle or county fire marshal or civil preparedness coordinator from the consequence of any arbitrary exercise of such right-of-way. (1937, c. 407, s. 118; 1971, cc. 78, 106; 1973, c. 1330, s. 21; 1977, c. 52, s. 4; c. 438, s. 3; 1985, c. 427; 1989, c. 537, s. 3; 2013-415, s. 1(d); 2015-241, ss. 14.30(u), (hh).)

**§ 20-157. Approach of law enforcement, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire-fighting equipment; parking, etc., near law enforcement, fire department, or rescue squad vehicle or ambulance.**

(a) Upon the approach of any law enforcement or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle, or a vehicle operated by the Division of Marine Fisheries of the Department of Environmental Quality, or the Division of Parks and Recreation of the Department of Natural and Cultural Resources, or the North Carolina Forest Service of the Department of Agriculture and Consumer Services when traveling in response to a fire alarm or other emergency response purpose, giving warning signal by appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain in such position unless otherwise directed by a law enforcement or traffic officer until the law enforcement or fire department vehicle, or the vehicle operated by the Division of Marine Fisheries of the Department of Environmental Quality, or the Division of Parks and Recreation of the Department of Natural and Cultural Resources, or the North Carolina Forest Service of the Department of Agriculture and Consumer Services, or the public or private ambulance or rescue squad emergency service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a four-lane limited access highway with a median divider dividing the highway for vehicles traveling in opposite directions, and provided further that the violation of this subsection shall be negligence per se. Violation of this subsection is a Class 2 misdemeanor.

(b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block or to drive into or park such vehicle within one block where fire apparatus has stopped in answer to a fire alarm.

(c) Outside of the corporate limits of any city or town it shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than 400 feet or to drive into or park such vehicle within a space of 400 feet from where fire apparatus has stopped in answer to a fire alarm.

(d) It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block a fire-fighting apparatus or any other equipment from its source of supply regardless of its distance from the fire.

(e) It shall be unlawful for the driver of a vehicle, other than one on official business, to park and leave standing such vehicle within 100 feet of law enforcement or fire department vehicles, public or private ambulances, or rescue squad emergency vehicles which are engaged in the investigation of an accident or engaged in rendering assistance to victims of such accident.

(f) When an authorized emergency vehicle as described in subsection (a) of this section or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one of the following:

- (1) Move the vehicle into a lane that is not the lane nearest the parked or standing authorized emergency vehicle or public service vehicle and continue traveling in that lane until safely clear of the authorized emergency vehicle. This paragraph applies only if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicle and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic.
- (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate the vehicle at a reduced speed and be prepared to stop until completely past the authorized emergency vehicle or public service vehicle. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching vehicle or if the approaching vehicle may not change lanes safely and without interfering with any vehicular traffic.

For purposes of this section, "public service vehicle" means a vehicle that (i) is being used to assist motorists or law enforcement officers with wrecked or disabled vehicles, (ii) is being used to install, maintain, or restore utility service, including electric, cable, telephone, communications, and gas, (iii) is being used in the collection of refuse, solid waste, or recycling, or (iv) is a highway maintenance vehicle owned and operated by or contracted by the State or a local government and is operating an amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be negligence per se.

(g) Except as provided in subsections (a), (h), and (i) of this section, violation of this section shall be an infraction punishable by a fine of two hundred fifty dollars (\$250.00).

(h) A person who violates this section and causes damage to property in the immediate area of the authorized emergency vehicle or public service vehicle in excess of five hundred dollars (\$500.00), or causes injury to a law enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or public service vehicle is guilty of a Class 1 misdemeanor.

(i) A person who violates this section and causes serious injury or death to a law enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or public service vehicle is guilty of a Class F felony. The Division may suspend, for up to six months, the drivers license of any person convicted under this subsection. If the Division suspends a person's license under this subsection, a judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension, provided the person's license has not also been revoked or suspended under any other provision of law. The limited driving privilege shall be issued in the same manner

and under the terms and conditions prescribed in G.S. 20-16.1(b). (1937, c. 407, s. 119; 1955, cc. 173, 744; 1971, c. 366, ss. 1, 2; 1985, c. 764, s. 31; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1993, c. 539, s. 372; 1994, Ex. Sess., c. 24, s. 14(c); 2001-331, s. 1; 2005-189, s. 1; 2006-259, s. 9; 2007-360, s. 1; 2010-132, s. 12; 2012-14, s. 1; 2013-415, s. 1(e); 2015-26, s. 3; 2015-241, s. 14.30(ii); 2019-157, s. 2.)

#### **§ 20-158. Vehicle control signs and signals.**

(a) The Department of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to control vehicles:

- (1) At intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop at the entrance to that portion of the intersection designated as the main traveled or through highway. Stop signs may also be erected at three or more entrances to an intersection.
- (2) At appropriate places other than intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop.
- (3) At intersections and other appropriate places, by erecting or installing steady-beam traffic signals and other traffic control devices, signs, or signals. All steady-beam traffic signals emitting alternate red and green lights shall be arranged so that the red light in vertical-arranged signal faces shall appear above, and in horizontal-arranged signal faces shall appear to the left of all yellow and green lights.
- (4) At intersections and other appropriate places, by erecting or installing flashing red or yellow lights.

(b) Control of Vehicles at Intersections. -

- (1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.
- (2)
  - a. When a traffic signal is emitting a steady red circular light controlling traffic approaching an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete stop and unless prohibited by an appropriate sign, that approaching vehicle may make a right turn.
  - b. Any vehicle that turns right under this subdivision shall yield the right-of-way to:
    1. Other traffic and pedestrians using the intersection; and
    2. Pedestrians who are moving towards the intersection, who are in reasonably close proximity to the intersection, and who are preparing to cross in front of the traffic that is required to stop at the red light.
  - c. Failure to yield to a pedestrian under this subdivision shall be an infraction, and the court may assess a penalty of not more than five

hundred dollars (\$500.00) and not less than one hundred dollars (\$100.00).

d. Repealed by Session Laws 2014-58, s. 4, effective July 7, 2014.

- (2a) When a traffic signal is emitting a steady yellow circular light on a traffic signal controlling traffic approaching an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the traffic signal is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.
- (3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.
- (4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection.
- (5) When a stop sign, traffic signal, flashing light, or other traffic-control device authorized by subsection (a) of this section requires a vehicle to stop at an intersection, the driver shall stop (i) at an appropriately marked stop line, or if none, (ii) before entering a marked crosswalk, or if none, (iii) before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.
- (6) When a traffic signal is not illuminated due to a power outage or other malfunction, vehicles shall approach the intersection and proceed through the intersection as though such intersection is controlled by a stop sign on all approaches to the intersection. This subdivision shall not apply if the movement of traffic at the intersection is being directed by a law enforcement officer, another authorized person, or another type of traffic control device.
- (c) Control of Vehicles at Places other than Intersections. -
  - (1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.
  - (2) When a traffic signal has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the traffic signal is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the traffic signal is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.
  - (3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.

- (4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.
- (5) When a traffic signal, stop sign, or other traffic control device authorized by subsection (a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before proceeding past the traffic control device.
- (6) When a ramp meter is displaying a circular red display, vehicles facing the red light must stop. When a ramp meter is displaying a circular green display, a vehicle may proceed for each lane of traffic facing the meter. When the display is dark or not emitting a red or green display, a vehicle may proceed without stopping. A violation of this subdivision is an infraction. No drivers license points or insurance surcharge shall be assessed as a result of a violation of this subdivision.

(d) No failure to stop as required by the provisions of this section shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether a party was guilty of negligence or contributory negligence.

(e) Defense. - It shall be a defense to a violation of sub-subdivision (b)(2)a. of this section if the operator of a motorcycle, as defined in G.S. 20-4.01(27)h., shows all of the following:

- (1) The operator brought the motorcycle to a complete stop at the intersection or stop bar where a steady red light was being emitted in the direction of the operator.
- (2) The intersection is controlled by a vehicle actuated traffic signal using an inductive loop to activate the traffic signal.
- (3) No other vehicle that was entitled to have the right-of-way under applicable law was sitting at, traveling through, or approaching the intersection.
- (4) No pedestrians were attempting to cross at or near the intersection.
- (5) The motorcycle operator who received the citation waited a minimum of three minutes at the intersection or stop bar where the steady red light was being emitted in the direction of the operator before entering the intersection. (1937, c. 407, s. 120; 1941, c. 83; 1949, c. 583, s. 2; 1955, c. 384, s. 1; c. 913, s. 7; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1191; c. 1330, s. 22; 1975, c. 1; 1977, c. 464, s. 34; 1979, c. 298, s. 1; 1989, c. 285; 2004-141, ss. 1, 2; 2004-172, ss. 2, 5; 2006-264, s. 6; 2007-260, s. 1; 2007-360, ss. 2, 3; 2014-58, ss. 4, 10(b); 2017-102, s. 5.2(b).)

**§ 20-158.1. Erection of "yield right-of-way" signs.**

The Department of Transportation, with reference to State highways, and cities and towns with reference to highways and streets under their jurisdiction, are authorized to designate main-traveled or through highways and streets by erecting at the entrance thereto from intersecting highways or streets, signs notifying drivers of vehicles to yield the right-of-way to drivers of vehicles approaching the intersection on the main-traveled or through highway. Notwithstanding any other provisions of this Chapter, except G.S. 20-156, whenever any such yield right-of-way signs have been so erected, it shall be unlawful for the driver of any vehicle to enter or cross such main-traveled or through highway or street unless he shall first slow down and yield right-of-way to any vehicle in movement on the main-traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main-traveled or through highway or street. No failure to so yield the right-of-way shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to yield the right-of-way may be considered with the other facts in the case in determining whether either party in such action was guilty of negligence or contributory negligence. (1955, c. 295; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1330, s. 23; 1977, c. 464, s. 34.)

**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls. (2002-133, s. 2.)

**§ 20-160. Driving through safety zone or on sidewalks prohibited.**

- (a) The driver of a vehicle shall not at any time drive through or over a safety zone.
- (b) No person shall drive any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or temporary driveway. (1937, c. 407, s. 122; 1973, c. 1330, s. 24.)

**§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles from public highway.**

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the main-traveled portion of any highway or highway bridge with the speed limit posted less than 45 miles per hour unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26).

(a1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main-traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26).



(b) No person shall park or leave standing any vehicle upon the shoulder of a public highway unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.

(c) The operator of any truck, truck tractor, trailer or semitrailer which is disabled upon any portion of the highway shall display warning devices of a type and in a manner as required under the rules and regulations of the United States Department of Transportation as adopted by the Division of Motor Vehicles. Such warning devices shall be displayed as long as the vehicle is disabled.

(d) The owner of any vehicle parked or left standing in violation of law shall be deemed to have appointed any investigating law-enforcement officer his agent:

- (1) For the purpose of removing the vehicle to the shoulder of the highway or to some other suitable place; and
- (2) For the purpose of arranging for the transportation and safe storage of any vehicle which is interfering with the regular flow of traffic or which otherwise constitutes a hazard, in which case the officer shall be deemed a legal possessor of the vehicle within the meaning of G.S. 44A-2(d).

(e) When any vehicle is parked or left standing upon the right-of-way of a public highway, including rest areas, for a period of 24 hours or more, the owner shall be deemed to have appointed any investigating law-enforcement officer his agent for the purpose of arranging for the transportation and safe storage of such vehicle and such investigating law-enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of that term as it appears in G.S. 44A-2(d).

(f) An investigating law enforcement officer, with the concurrence of the Department of Transportation, or the Department of Transportation, with the concurrence of an investigating law enforcement officer, may immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious personal injury or death, no removal shall occur until the investigating law enforcement officer determines that adequate information has been obtained for preparation of a crash report. No state or local law enforcement officer, Department of Transportation employee, or person or firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other personal property shall be held criminally or civilly liable for any damage or economic injury related to carrying out or enforcing the provisions of this section.

(g) The owner shall be liable for any costs incurred in the removal, storage, and subsequent disposition of a vehicle, cargo, or other personal property under the authority of this section. (1937, c. 407, s. 123; 1951, c. 1165, s. 1; 1971, c. 294, s. 1; 1973, c. 1330, s. 25; 1985, c. 454, s. 6; 2003-310, s. 1; 2007-360, ss. 4, 5; 2009-104, s. 1; 2010-132, ss. 13, 14, 15; 2015-231, s. 1.)

#### **§ 20-161.1. Regulation of night parking on highways.**

No person parking or leaving standing a vehicle at night on a highway or on a side road entering into a highway shall permit the bright lights of said vehicle to continue burning when such lights face oncoming traffic. (1953, c. 1052.)



**§ 20-162. Parking in front of private driveway, fire hydrant, fire station, intersection of curb lines or fire lane.**

- (a) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within 15 feet in either direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; provided, that local authorities may by ordinance decrease the distance within which a vehicle may park in either direction of a fire hydrant.
- (b) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in any area designated as a fire lane. This prohibition includes designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. The prima facie rule of evidence created by G.S. 20-162.1 is applicable to prosecutions for violation of this section. The owner of a vehicle parked in violation of this subsection shall be deemed to have appointed any State, county or municipal law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle. No law-enforcement officer removing such a vehicle shall be held criminally or civilly liable in any way for any acts or omissions arising out of or caused by carrying out or enforcing any provisions of this subsection, unless the conduct of the officer amounts to wanton misconduct or intentional wrongdoing. (1937, c. 407, s. 124; 1939, c. 111; 1979, c. 552; 1981, c. 574, s. 1.)

**§ 20-162.1. Prima facie rule of evidence for enforcement of parking regulations.**

- (a) Whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found upon any street, alley or other public place contrary to and in violation of the provisions of any statute or of any municipal or Department of Transportation ordinance limiting the time during which any such vehicle may be parked or prohibiting or otherwise regulating the parking of any such vehicle, it shall be prima facie evidence in any court in the State of North Carolina that such vehicle was parked and left upon such street, alley or public way or place by the person, firm or corporation in whose name such vehicle is then registered and licensed according to the records of the department or agency of the State of North Carolina, by whatever name designated, which is empowered to register such vehicles and to issue licenses for their operation upon the streets and highways of this State; provided, that no evidence tendered or presented under the authorization contained in this section shall be admissible or competent in any respect in any court or tribunal, except in cases concerned solely with violation of statutes or ordinances limiting, prohibiting or otherwise regulating the parking of automobiles or other vehicles upon public streets, highways, or other public places.

Any person found responsible for an infraction pursuant to this section shall be subject to a penalty of not more than five dollars (\$5.00).

- (b) The prima facie rule of evidence established by subsection (a) shall not apply to the registered owner of a leased or rented vehicle parked in violation of law when the owner can furnish sworn evidence that the vehicle was, at the time of the parking violation, leased or rented, to another

person or company. In those instances, the owner of the vehicle shall furnish sworn evidence to the courts within 30 days after notification of the violation in accordance with this subsection. If the notification is given to the owner of the vehicle within 90 days after the date of the violation, the owner shall include in the sworn evidence the name and address of the person or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to include the name or address of the lessee or renter of the vehicle in the sworn evidence. (1953, c. 879, ss. 1, 11/2; c. 978; 1955, c. 566, s. 1; 1983, c. 753; 1985, c. 764, s. 32; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 736, s. 1; 1989, c. 243, s. 2; 2001-259, s. 1.)

#### **§ 20-163. Unattended motor vehicles.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended on a public highway or public vehicular area without first stopping the engine, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (1937, c. 407, s. 125; 1973, c. 1330, s. 26.)

#### **§ 20-165.1. One-way traffic.**

In all cases where the Department of Transportation has heretofore, or may hereafter lawfully designate any highway or other separate roadway, under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof, it shall be unlawful for any person to willfully drive or operate any vehicle on said highway or roadway except in the direction so indicated by said signs. (1957, c. 1177; 1973, c. 507, s. 5; c. 1330, s. 28; 1977, c. 464, s. 34.)

#### **§ 20-166. Duty to stop in event of a crash; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.**

(a) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he or she is operating is involved in a crash; and
- (2) That the crash has resulted in serious bodily injury, as defined in G.S. 14-32.4, or death to any person; shall immediately stop his or her vehicle at the scene of the crash. The driver shall remain with the vehicle at the scene of the crash until a law-enforcement officer completes the investigation of the crash or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the crash by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection shall be punished as a Class F felony.

(a1) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he or she is operating is involved in a crash; and

- (2) That the crash has resulted in injury; shall immediately stop his or her vehicle at the scene of the crash. The driver shall remain with the vehicle at the scene of the crash until a law enforcement officer completes the investigation of the crash or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the crash by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment as set forth in subsection (b) of this section, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the crash scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection shall be punished as a Class H felony.

- (b) In addition to complying with the requirements of subsections (a) and (a1) of this section, the driver as set forth in subsections (a) and (a1) shall give his or her name, address, driver's license number and the license plate number of the vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that the person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such crash reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.

- (c) The driver of any vehicle, when the driver knows or reasonably should know that the vehicle which the driver is operating is involved in a crash which results:

- (1) Only in damage to property; or

- (2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury;

shall immediately stop the vehicle at the scene of the crash. If the crash is a reportable crash, the driver shall remain with the vehicle at the scene of the crash until a law enforcement officer completes the investigation of the crash or authorizes the driver to leave and the vehicle to be removed, unless remaining at the scene places the driver or others at significant risk of injury.

Prior to the completion of the investigation of the crash by a law enforcement officer, or the consent of the officer to leave, the driver may not facilitate, allow, or agree to the removal of the vehicle from the scene, for any purpose other than to call for a law enforcement officer, to call for medical assistance or medical treatment, or to remove oneself or others from significant risk of injury. If the driver does leave for a reason permitted by this subsection, then the driver must return with the vehicle to the accident scene within a reasonable period of time, unless otherwise instructed by a law enforcement officer. A willful violation of this subsection is a Class 1 misdemeanor.

- (c1) In addition to complying with the requirement of subsection (c) of this section, the driver as set forth in subsection (c) shall give his or her name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the crash or to any person whose property is damaged in the crash. If the damaged property is a parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided the driver thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-

writing containing the information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing the information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following the collision. A violation of this subsection is a Class 1 misdemeanor.

- (c2) Notwithstanding subsections (a), (a1), and (c) of this section, if a crash occurs on a main lane, ramp, shoulder, median, or adjacent area of a highway, each vehicle shall be moved as soon as possible out of the travel lane and onto the shoulder or to a designated accident investigation site to complete the requirements of this section and minimize interference with traffic if all of the following apply:
- (1) The crash has not resulted in injury or death to any person or the drivers did not know or have reason to know of any injury or death.
  - (2) Each vehicle can be normally and safely driven. For purposes of this subsection, a vehicle can be normally and safely driven if it does not require towing and can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.
- (d) Any person who renders first aid or emergency assistance at the scene of a motor vehicle crash on any street or highway to any person injured as a result of the accident, shall not be liable in civil damages for any acts or omissions relating to the services rendered, unless the acts or omissions amount to wanton conduct or intentional wrongdoing.
- (e) The Division of Motor Vehicles shall revoke the drivers license of a person convicted of violating subsection (a) or (a1) of this section for a period of one year, unless the court makes a finding that a longer period of revocation is appropriate under the circumstances of the case. If the court makes this finding, the Division of Motor Vehicles shall revoke that person's drivers license for two years. Upon a first conviction only for a violation of subsection (a1) of this section, a trial judge may allow limited driving privileges in the manner set forth in G.S. 20-179.3(b)(2) during any period of time during which the drivers license is revoked. (1937, c. 407, s. 128; 1939, c. 10, ss. 1, 11/2; 1943, c. 439; 1951, cc. 309, 794, 823; 1953, cc. 394, 793; c. 1340, s. 1; 1955, c. 913, s. 8; 1965, c. 176; 1967, c. 445; 1971, c. 958, s. 1; 1973, c. 507, s. 5; 1975, c. 716, s. 5; 1977, c. 464, s. 34; 1979, c. 667, s. 32; 1983, c. 912, s. 1; 1985, c. 324, ss. 1-4; 1993, c. 539, ss. 373-375, 1260; 1994, Ex. Sess., c. 24, s. 14(c); 2003-310, s. 2; 2003-394, s. 1; 2005-460, s. 1; 2008-128, s. 1.)

#### **§ 20-166.1. Reports and investigations required in event of accident.**

- (a) Notice of Accident. - The driver of a vehicle involved in a reportable accident must immediately, by the quickest means of communication, notify the appropriate law enforcement agency of the accident. If the accident occurred in a city or town, the appropriate agency is the police department of the city or town. If the accident occurred outside a city or town, the appropriate agency is the State Highway Patrol or the sheriff's office or other qualified rural police of the county where the accident occurred.
- (b) Insurance Verification. - When requested to do so by the Division, the driver of a vehicle involved in a reportable accident must furnish proof of financial responsibility.
- (c) Parked Vehicle. - The driver of a motor vehicle that collides with another motor vehicle left parked or unattended on a highway of this State must report the collision to the owner of the

parked or unattended motor vehicle. This requirement applies to an accident that is not a reportable accident as well as to one that is a reportable accident. The report may be made orally or in writing, must be made within 48 hours of the accident, and must include the following:

- (1) The time, date, and place of the accident.
- (2) The driver's name, address, and driver's license number.
- (3) The registration plate number of the vehicle being operated by the driver at the time of the accident.

If the driver makes a written report to the owner of the parked or unattended vehicle and the report is not given to the owner at the scene of the accident, the report must be sent to the owner by certified mail, return receipt requested, and a copy of the report must be sent to the Division.

(d) Repealed by Session Laws 1995, c. 191, s. 2.

(e) Investigation by Officer. - The appropriate law enforcement agency must investigate a reportable accident. A law-enforcement officer who investigates a reportable accident, whether at the scene of the accident or by subsequent investigations and interviews, must make a written report of the accident within 24 hours of the accident and must forward it as required by this subsection. The report must contain information on financial responsibility for the vehicle driven by the person whom the officer identified as at fault for the accident.

If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to the Division within 10 days after receiving the report. Upon request of the driver of the motor vehicle involved in the accident or the insurance agent or company identified by the driver under subsection (b) of this section, and notwithstanding any provision of Chapter 132 of the General Statutes to the contrary, the officer writing the report may forward an uncertified copy of the report to the insurance agent or company identified by the driver under subsection (b) of this section if evidence satisfactory to the officer is provided showing a certified copy of the report has been requested from the Division and the applicable fee set in G.S. 20-42 has been paid. Nothing in this section shall prohibit a law enforcement agency from providing to the public accident reports or portions of accident reports that are public records.

When a person injured in a reportable accident dies as a result of the accident within 12 months after the accident and the death was not reported in the original report, the law enforcement officer investigating the accident must file a supplemental report that includes the death.

(f) Medical Personnel. - A county medical examiner must report to the Division the death of any person in a reportable accident and the circumstances of the accident. The medical examiner must file the report within five days after the death. A hospital must notify the medical examiner of the county in which the accident occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in a reportable accident.

(g) Repealed by Session Laws 1987, c. 49.

(h) Forms. - The Division shall provide forms or procedures for submitting crash data to persons required to make reports under this section and the reports shall be made in a format approved by the Commissioner. The following information shall be included about a reportable crash:

- (1) The cause of the crash.
- (2) The conditions existing at the time of the crash.

- (3) The persons and vehicles involved, except that the name and address of a minor child involved in a school bus crash who is a passenger on a school bus may only be disclosed to (i) the local board of education, (ii) the State Board of Education, (iii) the parent or guardian of the child, (iv) an insurance company investigating a claim arising out of the crash, (v) an attorney representing a person involved in the crash, and (vi) law enforcement officials investigating the crash. As used in this subdivision, school bus also includes a school activity bus as defined by G.S. 20-4.01(27).
- (4) Whether the vehicle has been seized and is subject to forfeiture under G.S. 20-28.2.

(i) **Effect of Report.** - A report of an accident made under this section by a person who is not a law enforcement officer is without prejudice, is for the use of the Division, and shall not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. Any other report of an accident made under this section may be used in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted under the rules of evidence. At the demand of a court, the Division must give the court a properly executed certificate stating that a particular accident report has or has not been filed with the Division solely to prove a compliance with this section.

The reports made by persons who are not law enforcement officers or medical examiners are not public records. The reports made by law enforcement officers and medical examiners are public records and are open to inspection by the general public at all reasonable times. The Division must give a certified copy of one of these reports to a member of the general public who requests a copy and pays the fee set in G.S. 20-42.

(j) **Statistics.** - The Division may periodically publish statistical information on motor vehicle accidents based on information in accident reports. The Division may conduct detailed research to determine more fully the cause and control of accidents and may conduct experimental field tests within areas of the State from time to time to prove the practicability of various ideas advanced in traffic control and accident prevention.

(k) **Punishment.** - A violation of any provision of this section is a misdemeanor of the Class set in G.S. 20-176. (1953, c. 1340, s. 2; 1955, c. 913, s. 9; 1963, c. 1249; 1965, c. 577; 1971, c. 55; c. 763, s. 1; c. 958, ss. 2, 3; 1973, c. 1133, ss. 1, 2; c. 1330, s. 29; 1975, c. 307; c. 716, s. 5; 1979, c. 667, s. 33; 1981, c. 690, s. 14; 1983, c. 229, ss. 1, 2; 1985, c. 764, s. 33; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 49; 1993, c. 539, ss. 376, 377; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 191, s. 2; 1998-182, s. 12.1; 1999-452, s. 19; 2012-147, s. 1; 2016-90, s. 13.8.)

#### **§ 20-167. Vehicles transporting explosives.**

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the rules and regulations of the United States Department of Transportation as adopted by the Division of Motor Vehicles. (1937, c. 407, s. 129; 1985, c. 454, s. 7.)

#### **§ 20-167.1. Transportation of spent nuclear fuel.**

- (a) No person, firm or corporation shall transport upon the highways of this State any spent nuclear fuel unless such person, firm, or corporation notifies the State Highway Patrol in advance of transporting the spent nuclear fuel.
- (b) The provisions of this section shall apply whether or not the fuel is for delivery in North Carolina and whether or not the shipment originated in North Carolina.
- (c) The Radiation Protection Commission is authorized to adopt, promulgate, amend, and repeal rules and regulations necessary to implement the provisions of this section.
- (d) Any person, firm or corporation violating any provision of this section is guilty of a Class 3 misdemeanor and shall be punished only by a fine of not less than five hundred dollars (\$500.00), and each unauthorized shipment shall constitute a separate offense. (1977, c. 839, s. 1; 1985, c. 764, s. 33.1; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1993, c. 539, s. 378; 1994, Ex. Sess., c. 24, s. 14(c).)

#### **§ 20-169. Powers of local authorities.**

Local authorities, except as expressly authorized by G.S. 20-141 and 20-158, shall have no power or authority to alter any speed limitations declared in this Article or to enact or enforce any rules or regulations contrary to the provisions of this Article, except that local authorities shall have power to provide by ordinances for any of the following:

- (1) Regulating traffic by means of traffic or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous.
- (2) Prohibiting other than one-way traffic upon certain highways.
- (3) Regulating the use of the highways by processions or assemblages.
- (4) Regulating the speed of vehicles on highways in public parks.
- (5) Authorizing law enforcement or fire department vehicles, ambulances, and rescue squad emergency service vehicles, equipped with a siren to preempt any traffic signals upon city streets within local authority boundaries or, with the approval of the Department of Transportation, on State highways within the boundaries of local authorities. The Department of Transportation shall respond to requests for approval within 60 days of receipt of a request.

Signs shall be erected giving notices of the special limits and regulations under subdivisions (1) through (4) of this section. (1937, c. 407, s. 131; 1949, c. 947, s. 2; 1955, c. 384, s. 2; 1963, c. 559; 1973, c. 507, s. 5; 1979, c. 298, s. 2; 1991, c. 530, s. 5; 1999-310, s. 1.)

#### **§ 20-171. Traffic laws apply to persons riding animals or driving animal-drawn vehicles.**

Every person riding an animal or driving any animal drawing a vehicle upon a highway shall be subject to the provisions of this Article applicable to the driver of a vehicle, except those provisions of the Article which by their nature can have no application. (1939, c. 275.)



### **§ 20-171.1. Definitions.**

As used in this Part, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them:

Bicycle. - A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled, or an electric assisted bicycle, as defined in G.S. 20-4.01(7a). (1977, c. 1123, s. 1; 2016-90, s. 13(c).)

### **§ 20-171.2. Bicycle racing.**

- (a) Bicycle racing on the highways is prohibited except as authorized in this section.
- (b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.
- (c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users. (1977, c. 1123, s. 1.)

### **§ 20-172. Pedestrians subject to traffic-control signals.**

- (a) The Board of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to erect or install, at intersections or other appropriate places, special pedestrian control signals exhibiting the words or symbols "WALK" or "DON'T WALK" as a part of a system of traffic-control signals or devices.
- (b) Whenever special pedestrian-control signals are in place, such signals shall indicate as follows:
  - (1) WALK. - Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
  - (2) DON'T WALK. - No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "WALK" signal shall proceed to a sidewalk or safety island while the "DON'T WALK" signal is showing.
- (c) Where a system of traffic-control signals or devices does not include special pedestrian-control signals, pedestrians shall be subject to the vehicular traffic-control signals or devices as they apply to pedestrian traffic.
- (d) At places without traffic-control signals or devices, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Part 11 of this Article. (1937, c. 407, s. 133; 1973, c. 507, s. 5; c. 1330, s. 31; 1987, c. 125.)



**§ 20-173. Pedestrians' right-of-way at crosswalks.**

- (a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection, except as otherwise provided in Part 11 of this Article.
- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway. (1937, c. 407, s. 134; 1973, c. 1330, s. 32.)

**§ 20-174. Crossing at other than crosswalks; walking along highway.**

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.
- (e) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (1937, c. 407, s. 135; 1973, c. 1330, s. 33.)

**§ 20-174.1. Standing, sitting or lying upon highways or streets prohibited.**

- (a) No person shall willfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic.
- (b) Violation of this section is a Class 2 misdemeanor. (1965, c. 137; 1969, c. 1012; 1993 (Reg. Sess., 1994), c. 761, s. 17.)

**§ 20-175. Pedestrians soliciting rides, employment, business or funds upon highways or streets.**

- (a) No person shall stand in any portion of the State highways, except upon the shoulders thereof, for the purpose of soliciting a ride from the driver of any motor vehicle.
- (b) No person shall stand or loiter in the main traveled portion, including the shoulders and median, of any State highway or street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle

that impedes the normal movement of traffic on the public highways or streets: Provided that the provisions of this subsection shall not apply to licensees, employees or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys.

(c) Repealed by Session Laws 1973, c. 1330, s. 39.

(d) Local governments may enact ordinances restricting or prohibiting a person from standing on any street, highway, or right-of-way excluding sidewalks while soliciting, or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle. No local government may enact or enforce any ordinance that prohibits engaging in the distribution of newspapers on the non-traveled portion of any street or highway except when those distribution activities impede the normal movement of traffic on the street or highway. This subsection does not permit additional restrictions or prohibitions on the activities of licensees, employees, or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys except as provided in subsection (e) of this section.

(e) A local government shall have the authority to grant authorization for a person to stand in, on, or near a street or State roadway, within the local government's municipal corporate limits, to solicit a charitable contribution if the requirements of this subsection are met.

A person seeking authorization under this subsection to solicit charitable contributions shall file a written application with the local government. This application shall be filed not later than seven days before the date the solicitation event is to occur. If there are multiple events or one event occurring on more than one day, each event shall be subject to the application and permit requirements of this subsection for each day the event is to be held, to include the application fee.

The application must include:

- (1) The date and time when the solicitation is to occur;
- (2) Each location at which the solicitation is to occur; and
- (3) The number of solicitors to be involved in the solicitation at each location.

This subsection does not prohibit a local government from charging a fee for a permit, but in no case shall the fee be greater than twenty-five dollars (\$25.00) per day per event.

The applicant shall also furnish to the local government advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000) to cover damages that may arise from the solicitation. The insurance coverage must provide coverage for claims against any solicitor and agree to hold the local government harmless.

A local government, by acting under this section, does not waive, or limit, any immunity or create any new liability for the local government. The issuance of an authorization under this section and the conducting of the solicitation authorized are not considered governmental functions of the local government.

In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 2 misdemeanor. (1937, c. 407, s. 136; 1965, c. 673; 1973, c. 507, s. 5; c. 1330, s. 39; 1977, c. 464, s. 34; 2005-310, s. 1; 2006-250, ss. 7(a), 7(b); 2008-223, s. 1.)

**§ 20-175.2. Right-of-way at crossings, intersections and traffic-control signal points; white cane or guide dog to serve as signal for the blind.**

At any street, road or highway crossing or intersection, where the movement of traffic is not regulated by a traffic officer or by traffic-control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him at arm's length a cane white in color or white tipped with red, or if such person is accompanied by a guide dog. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection, where the movement of traffic is regulated by traffic-control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic-control signals change, and all vehicles shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing. (1949, c. 324, s. 2.)

**§ 20-183.9. Establishment and maintenance of permanent weigh stations.**

The Department of Public Safety is hereby authorized, empowered and directed to equip and operate permanent weigh stations equipped to weigh vehicles using the streets and highways of this State to determine whether such vehicles are being operated in accordance with legislative enactments relating to weights of vehicles and their loads. The permanent weigh stations shall be established at such locations on the streets and highways in this State as will enable them to be used most advantageously in determining the weight of vehicles and their loads. The Department of Transportation shall be responsible for the maintenance and upkeep of all permanent weigh stations established pursuant to this section. (1951, c. 988, s. 1; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, ss. 34, 37; 1979, c. 76; 2002-159, s. 31.5(b); 2002-190, s. 7; 2004-124, s. 18.3(b); 2006-66, s. 21.8; 2011-145, s. 19.1(g).)

**§ 20-190.2. Signs showing highways patrolled by unmarked vehicles.**

Repealed by Session Laws 2018-74, s. 16, effective July 1, 2018.

**§ 20-196.1: Repealed by Session Laws 1998-212, s. 19.6(a).**

**§ 20-196.2. Use of aircraft to discover certain motor vehicle violations; declaration of policy.**

The State Highway Patrol is hereby permitted the use of aircraft to discover violations of Part 10 of Article 3 of Chapter 20 of the General Statutes relating to operation of motor vehicles and rules of the road. It is hereby declared the public policy of North Carolina that the aircraft should be used primarily for accident prevention and should also be used incident to the issuance of warning citations in accordance with the provisions of G.S. 20-183. (1967, c. 513; 1998-212, s. 19.6(b).)

**§ 20-216. Passing horses or other draft animals.**

Any person operating a motor vehicle shall use reasonable care when approaching or passing a horse or other draft animal whether ridden or otherwise under control. (1917, c. 140, s. 15; C.S., s. 2616; 1969, c. 401.)

**§ 20-217. Motor vehicles to stop for properly marked and designated school buses in certain instances; evidence of identity of driver.**

(a) When a school bus is displaying its mechanical stop signal or flashing red lights and the bus is stopped for the purpose of receiving or discharging passengers, the driver of any other vehicle that approaches the school bus from any direction on the same street, highway, or public vehicular area shall bring that other vehicle to a full stop and shall remain stopped. The driver of the other vehicle shall not proceed to move, pass, or attempt to pass the school bus until after the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has started to move.

(b) For the purpose of this section, a school bus includes a public school bus transporting children or school personnel, a public school bus transporting senior citizens under G.S. 115C-243, or a privately owned bus transporting children. This section applies only in the event the school bus bears upon the front and rear a plainly visible sign containing the words "school bus."

(c) Notwithstanding subsection (a) of this section, the driver of a vehicle traveling in the opposite direction from the school bus, upon any road, highway or city street that has been divided into two roadways, so constructed as to separate vehicular traffic between the two roadways by an intervening space (including a center lane for left turns if the roadway consists of at least four more lanes) or by a physical barrier, need not stop upon meeting and passing any school bus that has stopped in the roadway across the dividing space or physical barrier.

(d) It shall be unlawful for any school bus driver to stop and receive or discharge passengers or for any principal or superintendent of any school, routing a school bus, to authorize the driver of any school bus to stop and receive or discharge passengers upon any roadway described by subsection (c) of this section where passengers would be required to cross the roadway to reach their destination or to board the bus; provided, that passengers may be discharged or received at points where pedestrians and vehicular traffic are controlled by adequate stop-and-go traffic signals.

(e) Except as provided in subsection (g) of this section, any person violating this section shall be guilty of a Class 1 misdemeanor and shall pay a minimum fine of five hundred dollars (\$500.00). A person who violates subsection (a) of this section shall not receive a prayer for judgment continued under any circumstances.

(f) Expired.

(g) Any person who willfully violates subsection (a) of this section and strikes any person shall be guilty of a Class I felony and shall pay a minimum fine of one thousand two hundred fifty dollars (\$1,250). Any person who willfully violates subsection (a) of this section and strikes any person, resulting in the death of that person, shall be guilty of a Class H felony and shall pay a minimum fine of two thousand five hundred dollars (\$2,500).

(g1) The Division shall revoke, for a period of one year, the drivers license of a person convicted of a second misdemeanor violation under this section within a three-year period. The Division shall revoke, for a period of two years, the drivers license of a person convicted of a Class I felony violation under this section. The Division shall revoke, for a period of three years, the

drivers license of a person convicted of a Class H felony violation under this section. The Division shall permanently revoke the drivers license of (i) a person convicted of a second felony violation under this section within any period of time and (ii) a person convicted of a third misdemeanor violation under this section within any period of time.

In the case of a first felony conviction under this section, the licensee may apply to the sentencing court for a limited driving privilege after a period of six months of revocation, provided the person's drivers license has not also been revoked or suspended under any other provision of law. A limited driving privilege issued under this subsection shall be valid for the period of revocation remaining in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b). If the person's drivers license is revoked or suspended under any other statute, the limited driving privilege issued pursuant to this subsection is invalid.

In the case of a permanent revocation of a person's drivers license for committing a third misdemeanor violation under this section within any period of time, the person may apply for a drivers license after two years. The Division may, with or without a hearing, issue a new drivers license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state. The Division may impose any restrictions or conditions on the new drivers license that the Division considers appropriate. Any conditions or restrictions imposed by the Division shall not exceed two years.

In the case of a permanent revocation of a person's drivers license for committing a second Class I felony violation under this section within any period of time, the person may apply for a drivers license after three years. The Division may, with or without a hearing, issue a new drivers license upon satisfactory proof that the former licensee has not been convicted of a moving violation under this Chapter or the laws of another state. The Division may impose any restrictions or conditions on the new drivers license that the Division considers appropriate. Any conditions or restrictions imposed by the Division shall not exceed three years.

Any person whose drivers license is revoked under this section is disqualified pursuant to G.S. 20-17.4 from driving a commercial motor vehicle for the period of time in which the person's drivers license remains revoked under this section.

(g2) Pursuant to G.S. 20-54, failure of a person to pay any fine or costs imposed pursuant to this section shall result in the Division withholding the registration renewal of a motor vehicle registered in that person's name. The clerk of superior court in the county in which the case was disposed shall notify the Division of any person who fails to pay a fine or costs imposed pursuant to this section within 40 days of the date specified in the court's judgment, as required by G.S. 20-24.2(a)(2). The Division shall continue to withhold the registration renewal of a motor vehicle until the clerk of superior court notifies the Division that the person has satisfied the conditions of G.S. 20-24.1(b) applicable to the person's case. The provisions of this subsection shall be in addition to any other actions the Division may take to enforce the payment of any fine imposed pursuant to this section.

(h) Automated school bus safety cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this section. Any photograph or video recorded by an automated school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be admissible as evidence in any proceeding alleging a violation of subsection (a) of this section. Failure to produce a photograph or video recorded by an automated school bus safety camera shall not preclude prosecution under this section. (1925, c. 265; 1943, c. 767; 1947, c. 527; 1955, c. 1365; 1959, c. 909; 1965, c. 370; 1969, c. 952; 1971, c. 245, s. 1; 1973, c. 1330, s. 35; 1977, 2nd Sess., c. 1280, s. 4; 1979, 2nd Sess., c. 1323; 1983, c. 779, s. 1; 1985, c. 700, s. 1; 1991, c. 290, s.

1; 1993, c. 539, s. 382; 1994, Ex. Sess., c. 24, s. 14(c); 1998-149, s. 10; 2005-204, s. 1; 2006-160, s. 1; 2006-259, s. 11(a); 2007-382, s. 1; 2009-147, ss. 1, 2; 2013-293, s. 2; 2017-188, s. 4; 2019-243, s. 8.)

**§ 20-218. Standard qualifications for school bus drivers; speed limit for school buses and school activity buses.**

- (a) Qualifications. - No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by one or more child passengers unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The driver of a school bus must be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus must meet the same qualifications as a school bus driver or must have a license appropriate for the class of vehicle being driven.
- (b) Speed Limits. - It is unlawful to drive a school bus occupied by one or more child passengers over the highways or public vehicular areas of the State at a greater rate of speed than 45 miles per hour. It is unlawful to drive a school activity bus occupied by one or more child passengers over the highways or public vehicular areas of North Carolina at a greater rate of speed than 55 miles per hour.
- (c) Punishment. - A person who violates this section commits a Class 3 misdemeanor. (1937, c. 397, ss. 1-3; 1941, c. 21; 1943, c. 440; 1945, c. 216; 1957, cc. 139, 595; 1971, c. 293; 1977, c. 791, ss. 1, 2; c. 1102; 1979, c. 31, ss. 1, 2; c. 667, s. 36; 1981, c. 30; 1987, c. 337, s. 1; 1989, c. 558, s. 1; c. 771, s. 6; 1991, c. 726, s. 22; 1993, c. 217, s. 1; 1993 (Reg. Sess., 1994), c. 761, s. 20; 2009-550, s. 3.2.)

**§ 20-218.2. Speed limit for nonprofit activity buses.**

It is unlawful to drive an activity bus that is owned by a nonprofit organization and is transporting persons in connection with nonprofit activities over the highways or public vehicular areas of North Carolina at a greater rate of speed than 55 miles per hour. A person who violates this section commits a Class 3 misdemeanor. (1969, c. 1000, s. 2; 1987, c. 337, s. 2; 1993 (Reg. Sess., 1994), c. 761, s. 23.)

**§ 20-219.4. Public vehicular area designated.**

- (a) Any area of private property used for vehicular traffic may be designated by the property owner as a public vehicular area by registering the area with the Department of Transportation and by erecting signs identifying the area as a public vehicular area in conformity with rules adopted by the Department of Transportation.
- (b) The Department of Transportation shall serve as a registry for registrations of public vehicular areas permitted under this section. The Department shall adopt rules for registration requirements and procedures. The Department shall also adopt rules governing the size and locations of signs designating public vehicular areas by private property owners in accordance with this section.

These rules shall ensure that signs erected pursuant to this provision shall be placed so as to provide reasonable notice to motorists.

- (c) The Department shall charge a fee not to exceed five hundred dollars (\$500.00) per registration request authorized by this section. The Department may also charge the reasonable cost for furnishing a certified copy of a registration when requested. Funds collected under this subsection shall be used to cover the cost of maintaining the registry. (2001-441, s. 2.)

#### **§ 20-356. Definitions.**

As used in this Article, the following terms mean:

- (1) Department. - The Department of Transportation.
- (2) House. - A dwelling, building, or other structure in excess of 15 feet in width. Mobile homes, manufactured homes, or modular homes, or portions thereof, are not within this definition when being transported from the manufacturer or from a licensed retail dealer location to the first set-up site.
- (3) Housemover. - A person licensed under this Article.
- (4) Person. - An individual, corporation, partnership, association, or any other business entity.
- (5) Secretary. - The Secretary of the Department of Transportation.
- (6) Unsafe practices. - Any act that is determined by a final agency decision of an enforcing agency or by a court of competent jurisdiction to create a hazard to the motoring public, or any citations under the Occupational Safety and Health Act that have become a final order within the last three years for willful serious violations or for failing to abate serious violations, as defined in G.S. 95-127. (1977, c. 720, s. 1; 1979, c. 475, s. 2; 2001-424, s. 27.17(a); 2005-354, s. 1; 2008-89, s. 1.)

#### **§ 20-357. Housemovers to be licensed.**

All persons who engage in the profession of housemoving on roads and highways on the State Highway System shall be licensed by the Department. (1977, c. 720, s. 2.)

#### **§ 20-358. Qualifications to become licensed.**

The Department shall issue annual printed licenses to applicants meeting the following conditions:

- (1) The applicant must be at least 21 years of age; present acceptable evidence of good character and show sufficient housemoving experience on the application form furnished by the Department. Proof of creditable housemoving experience must be furnished at the time of application for those applicants not previously licensed by the Department. Creditable housemoving experience means extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least five years of experience. Examples of the capacity in which a person may work in gaining experience include the following in building moving operations:
  - a. Moving superintendent,



b. Moving foreman, and

c. General mechanic and helper in the housemoving profession or trade.

To comply with the requirement of proof of creditable housemoving experience, each applicant not previously licensed under this Article shall submit to the Department an affidavit from a certified public accountant that the applicant has documented employment records for a period of five continuous years from a person or persons licensed by this State or another state for housemoving. Each applicant not previously licensed under this Article shall also submit to the Department affidavits from a person or persons licensed in this State or another state in housemoving, who have employed the applicant in housemoving, providing in detail the applicant's full-time experience, including any supervisory duties and experience, in housemoving.

(2) Repealed by Session Laws 1981, c. 818, s. 3.

(3) The applicant must furnish proof that all of the vehicles, excluding "beams and dollies" and "hauling units," to be used in the movement of buildings, structures, or other extraordinary objects wider than 15 feet have met the requirements of G.S. 20-183.2 pertaining to the equipment inspection of motor vehicles; provided that the "beams and dollies" and "hauling units" are excluded from inspection under G.S. 20-183.2 and, further, are not required to be equipped with brakes.

(4) The applicant must exhibit his federal employer's identification number.

(5) The applicant must pay an annual license fee of one hundred dollars (\$100.00). (1977, c. 720, s. 3; 1981, c. 818, s. 3; 1991 (Reg. Sess., 1992), c. 813, s. 2; 2005-354, s. 2; 2008-89, s. 2.)

#### **§ 20-360. Requirements for permit.**

- (a) Persons licensed as professional housemovers shall also be required to secure a permit from the Department for every move undertaken on the State Highway System of roads; that permit shall be issued by the Department after determining that the applicant is (i) properly licensed, (ii) furnished special surety bonds as required by the Department, and (iii) complying with such other regulations as required by the Department.
- (b) It shall be the duty of the applicant to see that the "beams and dollies" and "hauling units" used shall be constructed with proper material in a suitable manner and utilized so as to provide for the safety of the general public and the structure being relocated. Any violation of this duty may result in suspension or revocation of his license by the Department.
- (c) A license shall not be required for an individual owner of a towing vehicle moving their own buildings from or to property owned individually by those persons; however, a permit will be required for all moves.
- (d) Licensed housemovers shall furnish front and rear certified escort vehicles on all moves, one or both of which may be a marked police, sheriff or State Highway Patrol vehicle as determined by the issuing agent, or one or two properly equipped certified escort vehicles depending on the number of law-enforcement vehicles escorting the move; escort vehicles shall operate where possible at a distance of 300 feet from the structure being moved; that this interval will be closed in cities and other congested areas to protect other traffic from the swing of the load at corners and



turns, and the certified escort vehicles shall comply with all restrictions as provided on the permit secured for movement of the structure. (1977, c. 720, s. 5; 1981, c. 818, s. 2; 2005-354, s. 4.)

#### **§ 20-361. Application for permit and permit fee.**

Application for a permit to move a structure must be made to the division or district engineer having jurisdiction at least two days prior to the date of the move. For good cause shown, this time may be waived by the district or division engineer. A travel plan and a permit application fee of twenty dollars (\$20.00) shall accompany the application. Division or district engineers are authorized to issue permits for individual moves of a structure or building whose width does not exceed 36 feet. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed 20 minutes. The division or district engineers shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the permit shall not be issued. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than 36 feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the Department on appeal. After reviewing the route and travel plan, the Department may in its discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in an amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the Department. (1977, c. 720, s. 6; 1991 (Reg. Sess., 1992), c. 813, s. 3.)

#### **§ 20-364. Route changes.**

Irrespective of the route shown on the permit, an alternate route will be followed:

- (1) If directed by a peace officer.
- (2) If directed by a uniformed officer assigned to a weigh station to follow a route to a weighing device.
- (3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the office issuing permit on which he is traveling prior to proceeding. (1977, c. 720, s. 9; 2004-124, s. 18.3(d).)

#### **§ 20-370. Speed limits.**

The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time. (1977, c. 720, s. 15.)

#### **§ 47-30. Plats and subdivisions; mapping requirements.**

- (a) Size Requirements. - All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, and, for landscape format, having a minimum one and one-half inch border on the left side or, for portrait

format, one and one-half inch border on the top side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

- (1) Only 18 inches by 24 inches;
- (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;
- (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches; or
- (4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms "plat" and "map" are synonymous.

(b) Plats to Be Reproducible. - Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original plat may be submitted in the form of black line on white paper instead of transparent and archival and may be returned to the person indicated on the plat.

(c) Information Contained in Title of Plat. - The title of each plat shall contain the following information:

- (1) The property designation.
- (2) The name of the owner; provided, however, that the name of owner shall be shown for indexing purposes only and is not to be construed as title certification.
- (3) The location, to include county and State, and the township or city, if applicable.
- (4) The date or dates the survey was made.
- (5) The scale or scale ratio in words or figures and bar graph.
- (6) The name and address of surveyor preparing the plat, including the firm name and firm license number, if applicable.
- (7) The dates and descriptions of revisions made after original signing.

The information required pursuant to this subsection shall be listed prominently on the plat. Information listed in the notes contained on the plat does not satisfy the requirements of this subsection.

(d) Certificate; Form. - There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the reference source for the boundary information for the surveyed property shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision or positional accuracy before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed. Multiple sheet plats shall be identified as a map set.

The certificate required above shall include (i) the source of information for the survey, (ii) data indicating the ratio of precision or positional accuracy of the survey before adjustments, and (iii) the seal and signature pursuant to Chapter 89C of the General Statutes, and shall be in substantially the following form:

"I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision or positional accuracy as calculated is \_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

Seal or Stamp

\_\_\_\_\_  
Professional Land Surveyor  
License Number"

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared. The presence of the personal signature and seal of a professional land surveyor shall constitute a certification that the map conforms to the standards of practice for land surveying in this State as defined in the rules of the North Carolina State Board of Examiners for Engineers and Surveyors.

(e) Method of Computation. - An accurate method of computation shall be used to determine the acreage and either the ratio of precision or the positional accuracy shown on the plat. Area by estimation is not acceptable nor is area by planimeter, area by scale, or area copied from another source, except in the case of tracts containing inaccessible sections or areas. In such case the surveyor may make use of aerial photographs or other appropriate aids to determine the acreage of any inaccessible areas when the areas are bounded by natural and visible monuments. In such case the methods used must be stated on the plat and all accessible areas of the tract shall remain subject to all applicable standards of this section.

(f) Plat to Contain Specific Information. - Every plat shall contain the following specific information:

- (1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina grid ("NAD 83," "NAD 27," or other published horizontal datum), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source (if known) the index was originally determined shall be clearly indicated. North Carolina grid reference shall include the horizontal datum and the realization reference.
- (2) The azimuth or course and distance of every property line surveyed shall be shown. Distances shall be in U.S. Survey feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required.
- (3) All plat distances shall be by horizontal ground or horizontal grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargement of portions of a plat are acceptable in the interest of clarity,

where shown as inserts. Where the North Carolina grid system is used the combined grid factor shall be shown on the face of the plat. If grid distances are used, it must be indicated on the plat.

- (4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the plat.
- (5) Where a subdivision of land is set out on the plat, all streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.
- (6) All corners which are marked by monument or natural object shall be so identified on all plats, and where practical all corners of adjacent owners along the boundary lines of the subject tract which are marked by monument or natural object shall be shown.
- (7) The names of adjacent landowners, or lot, block, parcel, subdivision name designations or other legal reference, where applicable, shall be shown where they could be determined by the surveyor.
- (8) All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown. Nothing in this subdivision shall be construed to modify the notification responsibility of persons engaged in excavation or demolition pursuant to G.S. 87-122.
- (9) Where the plat is the result of a survey, one or more corners shall be labeled with coordinates on the plat, shown as "X" (easting) and "Y" (northing) coordinates, traceable to a published geodetic datum or the North Carolina State Plane Coordinate System, or both. The plat should include, at a minimum, the referenced horizontal datum and realization (i.e., "NAD 83 (2011)") as well as the data or method used to establish those coordinates, or both. If the bearings shown on the map are not referenced to the same datum as the grid coordinates shown, then either (i) the coordinates of a second point shall be labeled and the two labeled points tied together by a single azimuth or course and distance or (ii) the plat shall include, in written and graphical form, the conversion from plat bearings to reference bearings. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of consistency with previously recorded plats, existing bearing control may be used where practical. Where no horizontal control monument of any United States or State agency survey system, such as the North Carolina Geodetic Survey, is located within 2,000 feet of the subject property, ties to other appropriate natural monuments or landmarks may be used in lieu of grid coordinates. In all cases, the tie lines shall be sufficient to reproduce the subject lands from the control or reference points used.
- (10) A vicinity map (location map) and legend shall appear on the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- c. Any one of the following:
  1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
  2. That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
  3. That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
  4. That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
- d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

If the plat contains the certificate of a surveyor as stated in sub-subdivisions b. or c. of this subdivision, nothing shall prevent the recordation of the plat if all other provisions have been met. However, if the plat contains the certificate of a surveyor as stated in sub-subdivisions a., d., or e. of this subdivision, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority and the county review officer as provided in G.S. 47-30.2 before the plat is presented for recordation. The signing and sealing of the certification as required in subsection (d) of this section shall satisfy the certification requirement contained in this subsection.

(g) Recording of Plat. - In certifying a plat for recording pursuant to G.S. 47-30.2, the Review Officer shall not be responsible for reviewing or certifying as to any of the following requirements of this section:

- (1) Subsection (b) of this section as to archival.
- (2) Repealed by Session Laws 1997-309, s. 2.
- (3) Subsection (e) of this section.

(4) Subdivisions (1) through (10) of subsection (f) of this section.

A plat, when certified pursuant to G.S. 47-30.2 and presented for recording, shall be recorded in the plat book or plat file and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any plat herein authorized shall have the same effect as if the description of the lands as indicated on the record of the plat were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a professional land surveyor but not recorded prior to the death of the professional land surveyor. However, it is the responsibility of the person presenting the map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded plat.

(j) The provisions of this section shall not apply to boundary plats of State lines, county lines, areas annexed by municipalities, nor to plats of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall apply to all counties in North Carolina.

(l) This section does not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 or G.S. 136-89.184.

(m) Maps attached to deeds or other instruments and submitted for recording in that form must be no larger than 8 1/2 inches by 14 inches and comply with either this subsection or subsection (n) of this section. A map submitted for recording pursuant to this subsection shall conform to one the following standards:

(1) An original map that meets the requirements of subsections (c) through (f) of this section and that bears the signature of a professional land surveyor and the surveyor's seal as approved by the State Board of Examiners for Engineers and Surveyors.

(2) A copy of a previously recorded map that is certified by the custodian of the public record to be a true and accurate copy of the map.

(n) A map that does not meet the requirements of subsection (m) of this section may be attached to a deed or other instrument submitted for recording in that form for illustrative purposes only if it meets both of the following requirements:

(1) It is no larger than 8 1/2 inches by 14 inches.

(2) It is conspicuously labelled, "THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS."

(o) The requirements of this section regarding plat size, reproducible form, and evidence of required certifications shall be met with respect to a plat that is an "electronic document," as that term is defined in G.S. 47-16.2(3), if all of the following conditions have been met:

(1) The register of deeds has authorized the submitter to electronically register the electronic document.

(2) The plat is submitted by a United States federal or a state governmental unit or instrumentality or a trusted submitter. For purposes of this subsection, "a trusted submitter" means a person or entity that has entered into a memorandum of

understanding regarding electronic recording with the register of deeds in the county in which the electronic document is to be submitted.

- (3) Evidence of required certifications appear on the digitized image of the document as it will appear on the public record.
- (4) With respect to a plat submitted by a trusted submitter, the digitized image of the document as it will appear on the public record contains the submitter's name in the following completed statement on the first page of the document image: "Submitted electronically by \_\_\_\_\_ (submitter's name) in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the \_\_\_\_\_ (insert county name) County Register of Deeds.
- (5) Except as otherwise provided in this subsection, the digitized image of the plat conforms to all other applicable laws and rules that prescribe recordation. (1911, c. 55, s. 2; C.S., s. 3318; 1923, c. 105; 1935, c. 219; 1941, c. 249; 1953, c. 47, s. 1; 1959, c. 1235, ss. 1, 3A, 3.1; 1961, cc. 7, 111, 164, 199, 252, 660, 687, 932, 1122; 1963, c. 71, ss. 1, 2; cc. 180, 236; c. 361, s. 1; c. 403; 1965, c. 139, s. 1; 1967, c. 228, s. 2; c. 394; 1971, c. 658; 1973, cc. 76, 848, 1171; c. 1262, s. 86; 1975, c. 192; c. 200, s. 1; 1977, c. 50, s. 1; c. 221, s. 1; c. 305, s. 2; c. 771, s. 4; 1979, c. 330, s. 1; 1981, c. 138, s. 1; c. 140, s. 1; c. 479; 1983, c. 473; 1987, c. 747, s. 20; 1989, c. 727, s. 218(6); 1991, c. 268, s. 3; 1993, c. 119, ss. 1, 2; 1997-309, s. 2; 1997-443, s. 11A.119(a); 1998-228, ss. 11, 12; 1999-456, s. 59; 2000-140, s. 93.1(b); 2001-424, s. 12.2(b); 2008-225, s. 9; 2010-180, s. 1; 2011-246, s. 7; 2012-142, s. 12.4(f); 2017-27, s. 1; 2019-35, s. 2.)

#### **§ 47-30.1. Plats and subdivisions; alternative requirements.**

In a county to which the provisions of G.S. 47-30 do not apply, any person, firm or corporation owning land may have a plat thereof recorded in the office of the register of deeds if such land or any part thereof is situated in the county, upon proof upon oath by the surveyor making such plat or under whose supervision such plat was made that the same is in all respects correct according to the best of his knowledge and belief and was prepared from an actual survey by him made, or made under his supervision, giving the date of such survey, or if the surveyor making such plat is dead, or where land has been sold and conveyed according to an unrecorded plat, upon the oath of a duly licensed surveyor that said map is in all respects correct according to the best of his knowledge and belief and that the same was actually and fully checked and verified by him, giving the date on which the same was verified and checked. (1961, c. 534, s. 1; c. 985.)

**§ 58-36-1. North Carolina Rate Bureau created.**

There is hereby created a Bureau to be known as the "North Carolina Rate Bureau," with the following objects and functions:

- (1) To assume the functions formerly performed by the North Carolina Fire Insurance Rating Bureau, the North Carolina Automobile Rate Administrative Office, and the Compensation Rating and Inspection Bureau of North Carolina, with regard to the promulgation of rates, for insurance against loss to residential real property with not more than four housing units located in this State and any contents thereof and valuable interest therein and other insurance coverages written in connection with the sale of such property insurance; except as provided in G.S. 58-36-3(a)(6), for theft of and physical damage to nonfleet private passenger motor vehicles; for liability insurance for such motor vehicles, automobile medical payments insurance, uninsured motorists coverage and other insurance coverages written in connection with the sale of such liability insurance; and for workers' compensation and employers' liability insurance written in connection therewith except for insurance excluded from the Bureau's jurisdiction in G.S. 58-36-1(3).
- (2) The Bureau shall provide reasonable means to be approved by the Commissioner whereby any person affected by a rate or loss costs made by it may be heard in person or by the person's authorized representative before the governing committee or other proper executive of the Bureau.
- (3) The Bureau shall promulgate and propose rates for insurance against loss to residential real property with not more than four housing units located in this State and any contents thereof or valuable interest therein and other insurance coverages written in connection with the sale of such property insurance; for insurance against theft of or physical damage to nonfleet private passenger motor vehicles; for liability insurance for such motor vehicles, automobile medical payments insurance, uninsured and underinsured motorists coverage and other insurance coverages written in connection with the sale of such liability insurance; and, as provided in G.S. 58-36-100, for loss costs and residual market rate filings for workers' compensation and employers' liability insurance written in connection therewith. This subdivision does not apply to motor vehicles operated under certificates of authority from the Utilities Commission, the Interstate Commerce Commission, or their successor agencies, where insurance or other proof of financial responsibility is required by law or by regulations specifically applicable to such certificated vehicles.
- (4) Agreements may be made between or among members with respect to equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods. The members may agree between or among themselves on the use of reasonable rate modifications for such insurance, agreements, and rate modifications to be subject to the approval of the Commissioner.
- (5) a. It is the duty of every insurer that writes workers' compensation insurance in this State and is a member of the Bureau, as defined in this section and G.S. 58-36-5 to insure and accept any workers'



compensation insurance risk that has been certified to be "difficult to place" by any fire and casualty insurance agent who is licensed in this State. When any such risk is called to the attention of the Bureau by receipt of an application with an estimated or deposit premium payment and it appears that the risk is in good faith entitled to such coverage, the Bureau will bind coverage for 30 days and will designate a member who must issue a standard workers' compensation policy of insurance that contains the usual and customary provisions found in those policies. Multiple coordinated policies, as defined by the Bureau and approved by the Commissioner, may be used for the issuance of coverage under this subdivision for risks involved in employee leasing arrangements. Coverage will be bound at 12:01 A.M. on the first day following the postmark time and date on the envelope in which the application is mailed including the estimated annual or deposit premium, or the expiration of existing coverage, whichever is later. If there should be no postmark, coverage will be effective 12:01 A.M. on the date of receipt by the Bureau unless a later date is requested. Those applications hand delivered to the Bureau will be effective as of 12:01 A.M. of the date following receipt by the Bureau unless a later date is requested. The Bureau will make and adopt such rules as are necessary to carry this section into effect, subject to final approval of the Commissioner. As a prerequisite to the transaction of workers' compensation insurance in this State, every member of the Bureau that writes such insurance must file with the Bureau written authority permitting the Bureau to act in its behalf, as provided in this section, and an agreement to accept risks that are assigned to the member by the Bureau, as provided in this section.

- b. The Bureau shall maintain a compendium of employers refused voluntary coverage, which shall be made available by the Bureau to all insurers, licensed agents, and self-insureds' administrators doing business in this State. It shall be stored and indexed to allow access to information by industry, primary classifications of employees, geography, experience modification, and in any other manner the Bureau determines is commercially useful to facilitate voluntary coverage of listed employers. The Bureau shall be immune from civil liability for erroneous information released by the Bureau pursuant to this section, provided that the Bureau acted in good faith and without malicious or willful intent to harm in releasing the erroneous information.
  - c. Failure or refusal by any assigned employer risk to make full disclosure to the Bureau, servicing carrier, or insurer writing a policy of information regarding the employer's true ownership, change of ownership, operations, or payroll, or any other failure to disclose fully any records pertaining to workers' compensation insurance shall be sufficient grounds for the termination of the policy of that employer.
- (6) The Bureau shall maintain and furnish to the Commissioner on an annual basis the statistics on earnings derived by member companies from the investment of

unearned premium, loss, and loss expense reserves on nonfleet private passenger motor vehicle insurance policies written in this State. Whenever the Bureau proposes rates under this Article, it shall prepare a separate exhibit for the experience years in question showing the combined earnings realized from the investment of such reserves on policies written in this State. The amount of earnings may in an equitable manner be included in the ratemaking formula to arrive at a fair and equitable rate. The Commissioner may require further information as to such earnings and may require calculations of the Bureau bearing on such earnings.

- (7) Member companies shall furnish, upon request of any person carrying nonfleet private passenger motor vehicle insurance in the State upon whose risk a rate has been promulgated, information as to rating, including the method of calculation. (1977, c. 828, s. 6; 1981, c. 888, ss. 1-3; 1983, c. 416, s. 5; 1985 (Reg. Sess., 1986), c. 1027, s. 5.1; 1991, c. 339, s. 1; 1993, c. 409, s. 27; 1993 (Reg. Sess., 1994), c. 679, s. 8.5; 1995, c. 505, s. 1; c. 517, s. 18; 1999-132, ss. 3.1, 3.2; 1999-219, s. 11; 2001-236, s. 2; 2001-389, ss. 1, 2; 2001-423, s. 3.)

**§ 58-36-16. Bureau to share information with Department of Labor and North Carolina Industrial Commission.**

The Bureau shall provide to the Department of Labor and the North Carolina Industrial Commission information from the Bureau's records indicating each employer's experience rate modifier established for the purpose of setting premium rates for workers' compensation insurance and the name and business address of each employer whose workers' compensation coverage is provided through the assigned-risk pool pursuant to G.S. 58-36-1. Information provided to the Department of Labor and the North Carolina Industrial Commission with respect to experience rate modifiers shall include the name of the employer and the employer's most current intrastate or interstate experience rate modifier. The information provided to the Department and the Commission under this section shall be confidential and not open for public inspection. The Bureau shall be immune from civil liability for releasing information pursuant to this section, even if the information is erroneous, provided the Bureau acted in good faith and without malicious or wilful intent to harm in releasing the information. (1991 (Reg. Sess., 1992), c. 894, s. 4; 2012-135, s. 1(a).)

**§ 62-180. Use of railroads and public highways.**

Any person operating electric power, telegraph or telephone lines or authorized by law to establish such lines, has the right to construct, maintain and operate such lines along any railroad or public highway, but such lines shall be so constructed and maintained as not to obstruct or hinder unreasonably the usual travel on such railroad or highway. (1874-5, c. 203, s. 2; Code, s. 2007; 1899, c. 64, s. 1; 1903, c. 562; Rev., s. 1571; C.S., s. 1695; 1939, c. 228, s. 1; 1963, c. 1165, s. 1.)

**§ 62-181. Electric and hydroelectric power companies may appropriate highways; conditions.**

Every electric power or hydroelectric power corporation, person, firm or copartnership which may exercise the right of eminent domain under the Chapter Eminent Domain, where in the development of electric or hydroelectric power it shall become necessary to use or occupy any public highway, or any part of the same, after obtaining the consent of the public road authorities having supervision of such public highway, shall have power to appropriate said public highway for the development of electric or hydroelectric power: Provided, that said electric power or hydroelectric power corporation shall construct an equally good public highway, by a route to be selected by and subject to the approval and satisfaction of the public road authorities having supervision of such public highway: Provided further, that said company shall pay all damages to be assessed as provided by law, by the damming of water, the discontinuance of the road, and for the laying out of said new road. (1911, c. 114; C.S., s. 1696; 1939, c. 228, s. 2; 1963, c. 1165, s. 1.)

**§§ 62-223 through 62-226:** Recodified as §§ 136-191 through 136-194 by Session Laws 1998-128, s. 14.

**§ 66-152. Definitions.**

As used in this Article, unless the context requires otherwise:

- (1) "Misappropriation" means acquisition, disclosure, or use of a trade secret of another without express or implied authority or consent, unless such trade secret was arrived at by independent development, reverse engineering, or was obtained from another person with a right to disclose the trade secret.
- (2) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, joint venture, or any other legal or commercial entity.
- (3) "Trade secret" means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:
  - a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
  - b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons. (1981, c. 890, s. 1.)

**§ 66-153. Action for misappropriation.**

The owner of a trade secret shall have remedy by civil action for misappropriation of his trade secret. (1981, c. 890, s. 1.)

### **§ 95-250. Definitions.**

The following definitions shall apply in this Article:

- (1) "Experience rate modifier" means the numerical modification applied by the Rate Bureau to an experience rating for use in determining workers' compensation premiums.
- (2) "Worksite" means a single physical location where business is conducted or where operations are performed by employees of an employer.

The definitions of Article 16 of this Chapter shall also apply to this Article, except that "employee" for the purposes of G.S. 95-252(a), 95-252(c)(1)b., 95-255, and 95-256 means an employee employed for some portion of a working day in each of 20 or more calendar weeks in the current or preceding calendar year. (1991 (Reg. Sess., 1992), c. 962, s. 1.)

### **§ 95-251. Safety and health programs.**

- (a) Establishment of safety and health programs.
  - (1) Except as provided in subdivision (2) of this subsection, each employer with an experience rate modifier of 1.5 or greater shall, in accordance with this section, establish and carry out a safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to employees.
  - (2) Employers with an experience rate modifier of 1.5 or greater which provide temporary help services shall, in accordance with this section, establish and implement a safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to its full-time employees permanently located at the employer's worksite. Employers which provide temporary help services shall not be required to establish and implement a safety and health program under this section for its employees assigned to a client's worksite. This subdivision shall not apply to employee leasing companies.
  - (3) The Commissioner may modify the application of the requirements of this section to classes of employers where the Commissioner determines that, in light of the nature of the risks faced by the employees of these employers, such a modification would not reduce the employees' safety and health protection.
- (b) Safety and health program requirements. A safety and health program established and implemented under this section shall be a written program that shall include at least all of the following:
  - (1) Methods and procedures for identifying, evaluating, and documenting safety and health hazards.
  - (2) Methods and procedures for correcting the safety and health hazards identified under subdivision (1) of this subsection.
  - (3) Methods and procedures for investigating work-related fatalities, injuries, and illnesses.
  - (4) Methods and procedures for providing occupational safety and health services, including emergency response and first aid procedures.
  - (5) Methods and procedures for employee participation in the implementation of the safety and health program.

- (6) Methods and procedures for responding to the recommendations of the safety and health committee, where applicable.
- (7) Methods and procedures for providing safety and health training and education to employees and to members of any safety and health committee established under G.S. 95-252.
- (8) The designation of a representative of the employer who has the qualifications and responsibility to identify safety and health hazards and the authority to initiate corrective action where appropriate.
- (9) In the case of a worksite where employees of two or more employers work, procedures for each employer to protect employees at the worksite from hazards under the employer's control, including procedures to provide information on safety and health hazards to other employers and employees at the worksite.
- (10) Any other provisions as the Commissioner requires to effectuate the purposes of this section.

(c) No loss of pay. The time during which employees are participating in training and education activities under this section shall be considered as hours worked for purposes of wages, benefits, and other terms and conditions of employment. The training and education shall be provided by an employer at no cost to the employees of the employer. (1991 (Reg. Sess., 1992), c. 962, s. 1.)

#### **§ 95-252. Safety and health committees required.**

(a) Establishment of safety and health committees. Except as provided in subsection (b) of this section, each employer with 11 or more employees and an experience rate modifier of 1.5 or greater shall provide for the establishment of safety and health committees and the selection of employee safety and health representatives in accordance with this section.

(b) Temporary help services. Temporary employees of employers which provide temporary help services shall not be counted as part of the 11 or more employees needed to establish a safety and health committee under this section, and employers which provide temporary help services shall not be required to establish a safety and health committee under this section for its employees assigned to a client's worksite. This subsection shall not apply to employee leasing companies.

(c) Safety and health committee requirements.

- (1) In general. Each employer covered by this section shall establish a safety and health committee at each worksite of the employer, except as provided as follows:
  - a. An employer covered by this section whose employees do not primarily report to or work at a fixed location is required to have only one safety and health committee to represent all employees.
  - b. A safety and health committee is not required at a covered employer's worksite with less than 11 employees.
  - c. The Commissioner may, by rule, modify the application of this subdivision to worksites where employees of more than one employer are employed.
- (2) Membership. Each safety and health committee shall consist of:

- a. The employee safety and health representatives selected or appointed under subsection (d) of this section.
  - b. As determined appropriate by the employer, employer representatives, the number of which may not exceed the number of employee representatives.
- (3) Chairpersons. Each safety and health committee shall be cochaired by:
  - a. A representative selected by the employer.
  - b. A representative selected by the employee members of the committee.
- (4) Rights. Each safety and health committee shall, within reasonable limits and in a reasonable manner, exercise the following rights:
  - a. Review any safety and health program established by the employer under G.S. 95-251.
  - b. Review incidents involving work-related fatalities, injuries and illnesses, and complaints by employees regarding safety or health hazards.
  - c. Review, upon the request of the committee or upon the request of the employer representatives or employee representatives of the committee, the employer's work injury and illness records, other than personally identifiable medical information, and other reports or documents relating to occupational safety and health.
  - d. Conduct inspections of the worksite at least once every three months and in response to complaints by employees or committee members regarding safety or health hazards.
  - e. Conduct interviews with employees in conjunction with inspections of the worksite.
  - f. Conduct meetings, at least once every three months, and maintain written minutes of the meetings.
  - g. Observe the measurement of employee exposure to toxic materials and harmful physical agents.
  - h. Establish procedures for exercising the rights of the committee.
  - i. Make recommendations on behalf of the committee, and in making recommendations, permit any members of the committee to submit separate views to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health, except that recommendations shall be advisory only and the employer shall retain full authority to manage the worksite.
  - j. Accompany, upon request, the Commissioner or the Commissioner's representative during any physical inspection of the worksite.
- (5) Time for committee activities. The employer shall permit members of the committee established under this section to take the time from work reasonably necessary to exercise the rights of the committee without suffering any loss of pay or benefits for time spent on duties of the committee.
- (d) Employee safety and health representatives.
  - (1) In general. Safety and health committees established under this section shall include:

- a. One employee safety and health representative where the average number of nonmanagerial employees of the employer at the worksite during the preceding year was more than 10, but less than 50.
  - b. Two employee safety and health representatives where the average number of nonmanagerial employees of the employer at the worksite during the preceding year was 50 or more, but less than 100.
  - c. An additional employee safety and health representative for each additional 100 such employees at the worksite, up to a maximum of six employee safety and health representatives.
  - d. Where an employer's employees do not primarily report to or work at a fixed location or at worksites where employees of more than one employer are employed, a number of employee safety and health representatives as determined by the Commissioner by rule.
- (2) Selection. Employee safety and health representatives shall be selected by and from among the employer's nonmanagerial employees in accordance with rules adopted by the Commissioner. The rules adopted by the Commissioner may provide for different methods of selection of employee safety and health representatives at worksites with no bargaining representative, worksites with one bargaining representative, and worksites with more than one bargaining representative. (1991 (Reg. Sess., 1992), c. 962, s. 1.)

#### **§ 95-254. Rules.**

(a) Safety and health programs. Not later than one year after July 15, 1992, the Commissioner shall adopt final rules concerning the establishment and implementation of employer safety and health programs under G.S. 95-251. Rules adopted shall include provisions for the training and education of employees and safety and health committee members. These rules shall include at least all of the following:

- (1) Provision for the training and education of employees, including safety and health committee members, in a manner that is readily understandable by the employees, concerning safety and health hazards, control measures, the employer's safety and health program, employee rights, and applicable laws and regulations.
- (2) Provision for the training and education of the safety and health committee concerning methods and procedures for hazard recognition and control, the conduct of worksite safety and health inspections, the rights of the safety and health committee, and other information necessary to enable the members to carry out the activities of the committee under G.S. 95-252.
- (3) Requirement that training and education be provided to new employees at the time of employment and to safety and health committee members at the time of selection.
- (4) Requirement that refresher training be provided on at least an annual basis and that additional training be provided to employees and to safety and health committee members when there are changes in conditions or operations that may expose employees to new or different safety or health hazards or when

there are changes in safety and health rules or standards under Article 16 of this Chapter that apply to the employer.

(b) Safety and health committees. Not later than one year after July 15, 1992, the Commissioner shall adopt final rules for the establishment and operation of safety and health committees under G.S. 95-252. The rules shall include provisions concerning at least the following:

- (1) The establishment of such committees by an employer whose employees do not primarily report to or work at a fixed location.
- (2) The establishment of committees at worksites where employees of more than one employer are employed.
- (3) The employer's obligation to enable the committee to function properly and effectively, including the provision of facilities and materials necessary for the committee to conduct its activities, and the maintenance of records and minutes developed by the committee.
- (4) The provision for different methods of selection of employee safety and health representatives at worksites with no bargaining representative, worksites with one bargaining representative, and worksites with more than one bargaining representative. (1991 (Reg. Sess., 1992), c. 962, s. 1.)

#### **§ 95-255. Reports.**

(a) Upon the final adoption of all rules required to be adopted by the Commissioner under this Article, the Commissioner shall determine, based on information provided by the North Carolina Rate Bureau, the employers with an experience rate modifier of 1.5 or greater and shall notify these employers of the applicability of G.S. 95-251 and the potential applicability of G.S. 95-252.

(b) Within 60 days of notification by the Commissioner, the employer shall certify on forms provided by the Commissioner that he meets the requirements of G.S. 95-251 and, if applicable, the requirements of G.S. 95-252.

(c) The Commissioner shall notify an employer when his experience rate modifier falls below 1.5. An employer subject to the provisions of G.S. 95-252 shall notify the Commissioner if he no longer employs 11 or more employees and has discontinued or will discontinue the safety and health committee. (1991 (Reg. Sess., 1992), c. 962, s. 1.)

#### **§ 95-255.1. Technical assistance.**

Employers notified pursuant to G.S. 95-255(a) shall be offered technical assistance from the Division of Occupational Safety and Health to reduce injuries and illnesses in their workplaces. (1997-443, s. 17(a).)



### **§ 95-256. Penalties.**

(a) The Commissioner may levy a civil penalty, not to exceed the amounts listed as follows, for a violation of this Article:

Employers with 10 or less employees	\$ 2,000
Employers with 11-50 employees	\$ 5,000
Employers with 51-100 employees	\$10,000
Employers with more than 100 employees	\$25,000.

(b) The Commissioner, in determining the amount of the penalty, shall consider the nature of the violation, whether it is a first or subsequent violation, and the steps taken by the employer to remedy the violation upon discovery of the violation.

(c) An employer may appeal a penalty levied by the Commissioner pursuant to this section to the North Carolina Occupational Safety and Health Review Commission subject to the procedures and requirements applicable to contested penalties under Article 16 of this Chapter. The determination of the Commission shall be final unless further appeal is made to the courts under the provisions of Chapter 150B of the General Statutes.

(d) All civil penalties and interest recovered by the Commissioner, together with any costs, shall be paid into the General Fund of the State. (1991 (Reg. Sess., 1992), c. 962, s. 1; 2005-133, s. 1; 2006-226, s. 30.)

### **§ 105-164.3. Definitions.**

The following definitions apply in this Article:

- (1) Accommodation. - A hotel room, a motel room, a residence, a cottage, or a similar lodging facility for occupancy by an individual.
- (3) Accommodation facilitator. - A person that contracts, either directly or indirectly, with a provider of an accommodation to perform, either directly or indirectly, one or more of the activities listed in this subdivision. The term includes a real estate broker as defined in G.S. 93A-2. The activities are:
  - a. Market the accommodation and accept payment or collect credit card or other payment information for the rental of the accommodation.
  - b. List the accommodation for rental on a forum, platform, or other application for a fee or other consideration.
- (5) Additional digital goods. - All of the following if transferred electronically:
  - a. A magazine, a newspaper, a newsletter, a report, or another publication.
  - b. A photograph.
  - c. A greeting card.
- (7) Admission charge. - Gross receipts derived for the right to attend an entertainment activity. The term includes a charge for a single ticket, a multi-occasion ticket, a seasonal pass, and an annual pass; a membership fee that provides for admission; a cover charge; a surcharge; a convenience fee, a processing fee, a facility charge, a facilitation fee, or similar charge; or any other charges included in gross receipts derived from admission.
- (9) Admission facilitator. - A person who accepts payment of an admission charge to an entertainment activity and who is not the operator of the venue where the entertainment activity occurs.

- (11) Advertising and promotional direct mail. - Printed material that meets the definition of "direct mail" and the primary purpose of which is to attract public attention to an item, person, business, or organization, or to attempt to sell, popularize, or secure financial support for an item, person, business, or organization.
- (13) Affiliate. - Defined in G.S. 105-130.2.
- (15) Amenity. - A feature that increases the value or attractiveness of an entertainment activity that allows a person access to items that are not subject to tax under this Article and that are not available with the purchase of admission to the same event without the feature. The term includes parking privileges, special entrances, access to areas other than general admission, mascot visits, and merchandise discounts. The term does not include any charge for food, prepared food, and alcoholic beverages subject to tax under this Article.
- (17) Analytical services. - Testing laboratories that are included in national industry 541380 of NAICS or medical laboratories that are included in national industry 621511 of NAICS.
- (19) Ancillary service. - A service associated with or incidental to the provision of a telecommunications service. The term includes detailed communications billing, directory assistance, vertical service, and voice mail service. A vertical service is a service, such as call forwarding, caller ID, three-way calling, and conference bridging, that allows a customer to identify a caller or manage multiple calls and call connections.
- (21) Aviation gasoline. - Defined in G.S. 105-449.60.
- (23) Bundled transaction. - A retail sale of two or more distinct and identifiable items, at least one of which is taxable and one of which is nontaxable, for one nonitemized price. The term does not apply to real property or services to real property. Items are not sold for one nonitemized price if an invoice or another sales document made available to the purchaser separately identifies the price of each item. A bundled transaction does not include the retail sale of any of the following:
  - a. An item and any packaging that accompanies the item and is exempt under G.S. 105-164.13(23).
  - b. A sale of two or more items whose combined price varies, or is negotiable, depending on the items the purchaser selects.
  - c. A sale of an item accompanied by a transfer of another item with no additional consideration.
  - d. An item and the delivery or installation of the item.
  - e. An item and any service necessary to complete the sale.
- (25) Business. - An activity a person engages in or causes another to engage in with the object of gain, profit, benefit, or advantage, either direct or indirect. The term does not include an occasional and isolated sale or transaction by a person who does not claim to be engaged in business.
- (27) Cable service. - The one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required to select or use the service.

- (29) Candy. - A preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces that do not require refrigeration. The term does not include any preparation that contains flour.
- (31) Capital improvement. - One or more of the following:
- a. New construction, reconstruction, or remodeling.
  - b. Performance of work that requires the issuance of a permit under the State Building Code, other than repair or replacement of electrical components, gas logs, water heater, and similar individual items that are not part of new construction, reconstruction, or remodeling.
  - c. Installation of a transmission, distribution, or other network asset on land owned by a service provider or on a right-of-way or easement in favor of a service provider, notwithstanding that any separately stated charges billed to a customer for repair, maintenance, and installation services or a contribution in aid of construction are included in the gross receipts derived from services subject to the combined general rate under G.S. 105-164.4. For purposes of this sub-subdivision, the term "service provider" means a person, including a governmental entity, who provides any of the services listed in this sub-subdivision, and the term "governmental entity" means a State agency, the federal government, or a governmental entity listed in G.S. 105-164.14(c). The services are:
    1. Telecommunications service or ancillary service.
    2. Video programming.
    3. Electricity or piped natural gas.
    4. Water or sewer service.
  - d. Installation of equipment or a fixture that is attached to real property and that meets one or more of the following conditions:
    1. Is capitalized and depreciated under Generally Accepted Accounting Principles or International Financial Reporting Standards.
    2. Is depreciated under the Code.
    3. Is expensed under Section 179 of the Code.
  - e. Painting or wallpapering of real property, except where painting or wallpapering is incidental to the repair, maintenance, and installation services.
  - f. Replacement or installation of a septic tank system, siding, roof, plumbing, electrical, commercial refrigeration, irrigation, sprinkler, or other similar system. The term does not include the repair, replacement, or installation of electrical or plumbing components, water heaters, gutters, and similar individual items that are not part of new construction, reconstruction, or remodeling.
  - g. Replacement or installation of a heating or air conditioning unit or a heating, ventilation, or air conditioning system. The term does not include the repair, replacement, or installation of gas logs, water heaters,

- pool heaters, and similar individual items that are not part of new construction, reconstruction, or remodeling.
  - h. Replacement or installation of roads, driveways, parking lots, patios, decks, and sidewalks.
  - i. Services performed to resolve an issue that was part of a real property contract if the services are performed within six months of completion of the real property contract or, for new construction, within 12 months of the new structure being occupied for the first time.
  - j. Landscaping.
  - k. An addition or alteration to real property that is permanently affixed or installed to real property and is not an activity listed in subdivision (225) of this section as repair, maintenance, and installation services.
- (33) Certain digital property. - Specified digital products and additional digital goods. The term does not include an information service or an educational service.
  - (35) Clothing. - All human wearing apparel suitable for general use.
  - (37) Combined general rate. - The State's general rate of tax set in G.S. 105-164.4(a) plus the sum of the rates of the local sales and use taxes authorized by Subchapter VIII of this Chapter for every county in this State.
  - (39) Computer. - An electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.
  - (41) Computer software. - A set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.
  - (43) Consumer. - A person who stores, uses, or otherwise consumes in this State an item purchased or received from a retailer or supplier either within or without this State.
  - (45) Custom computer software. - Computer software that is not prewritten computer software. The term includes a user manual or other documentation that accompanies the sale of the software.
  - (47) Datacenter. - A facility that provides infrastructure for hosting or data processing services and that has power and cooling systems that are created and maintained to be concurrently maintainable and to include redundant capacity components and multiple distribution paths serving the computer equipment at the facility. Although the facility must have multiple distribution paths serving the computer equipment, a single distribution path may serve the computer equipment at any one time. The following definitions apply in this subdivision:
    - a. Concurrently maintainable. - Capable of having any capacity component or distribution element serviced or repaired on a planned basis without interrupting or impeding the performance of the computer equipment.
    - b. Multiple distribution paths. - A series of distribution paths configured to ensure that failure on one distribution path does not interrupt or impede other distribution paths.
    - c. Redundant capacity components. - Components beyond those required to support the computer equipment.
  - (49) Delivery charges. - Charges imposed by the retailer for preparation and delivery of an item to a location designated by the consumer.

- (51) Development tier. - The classification assigned to an area pursuant to G.S. 143B-437.08.
- (53) Diaper. - An absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.
- (55) Dietary supplement. - A product that is intended to supplement the diet of humans and is required to be labeled as a dietary supplement under federal law, identifiable by the "Supplement Facts" box found on the label.
- (57) Digital audio work. - A work that results from the fixation of a series of musical, spoken, or other sounds, including a ringtone, that is transferred electronically.
- (59) Digital audiovisual work. - A series of related images, that when shown in succession, impart an impression of motion, together with accompanying sounds, if any, and that is transferred electronically.
- (61) Digital book. - A work that is generally recognized in the ordinary and usual sense as a book that is transferred electronically.
- (63) Digital code. - A code that gives a purchaser of the code a right to receive an item by electronic delivery or electronic access. A digital code may be obtained by an electronic means or by a tangible means. A digital code does not include a gift certificate or a gift card.
- (65) Direct mail. - Printed material delivered or distributed by the United States Postal Service or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.
- (67) Direct-to-home satellite service. - Programming transmitted or broadcast by satellite directly to the subscribers' premises without the use of ground equipment or distribution equipment, except equipment at the subscribers' premises or the uplink process to the satellite.
- (69) Drug. - A compound, substance, or preparation or a component of one of these that meets any of the following descriptions and is not food, a dietary supplement, or an alcoholic beverage:
  - a. Is recognized in the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, or National Formulary.
  - b. Is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.
  - c. Is intended to affect the structure or function of the body.
- (71) Durable medical equipment. - Equipment that meets all of the conditions of this subdivision. The term includes repair and replacement parts for the equipment. The term does not include mobility enhancing equipment.
  - a. Can withstand repeated use.
  - b. Primarily and customarily used to serve a medical purpose.
  - c. Generally not useful to a person in the absence of an illness or injury.
  - d. Not worn in or on the body.

- (73) Durable medical supplies. - Supplies related to use with durable medical equipment that are eligible to be covered under the Medicare or Medicaid program.
- (75) Educational service. - The delivery of instruction or training, whether provided in real time, on demand, or at another set time, by or on behalf of a qualifying educational entity where at least one of the following conditions applies:
  - a. The instruction or training is part of the curriculum for an enrolled student.
  - b. The instruction or training is encompassed within the institution's accreditation or prepares an enrolled student for gainful employment in a recognized occupation.
  - c. The participant is evaluated by an instructor. "Evaluated by an instructor" does not include being graded by, scored by, or evaluated by a computer program or an interactive, automated method.
  - d. The participant is connected to the presenter or instructor via the Internet or other networks, allowing the participant to provide, receive, or discuss information through live interaction, contemporaneous with the presentation.
- (77) Electronic. - Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (79) Eligible Internet datacenter. - A datacenter that satisfies each of the following conditions:
  - a. The facility is used primarily or is to be used primarily by a business engaged in software publishing included in industry 511210 of NAICS or an Internet activity included in industry 519130 of NAICS.
  - b. The facility is comprised of a structure or series of structures located or to be located on a single parcel of land or on contiguous parcels of land that are commonly owned or owned by affiliation with the operator of that facility.
  - c. The facility is located or to be located in a county that was designated, at the time of application for the written determination required under sub-subdivision d. of this subdivision, either an enterprise tier one, two, or three area or a development tier one or two area pursuant to G.S. 105-129.3 or G.S. 143B-437.08, regardless of any subsequent change in county enterprise or development tier status.
  - d. The Secretary of Commerce has made a written determination that at least two hundred fifty million dollars (\$250,000,000) in private funds has been or will be invested in real property or eligible business property, or a combination of both, at the facility within five years after the commencement of construction of the facility.
- (81) Eligible railroad intermodal facility. - Defined in G.S. 105-129.95.
- (83) Engaged in business. - Any of the following:
  - a. Maintaining, occupying, or using permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, any office, place of distribution, sales or sample room, warehouse or storage place, or other place of business in this State, or permanently or

temporarily, directly or through a subsidiary, having any representative, agent, sales representative, marketplace facilitator subject to the requirements of G.S. 105-164.4J, or solicitor operating or transacting business by mobile phone application or other applications in this State. The fact that any corporate retailer, agent, or subsidiary engaged in business in this State may not be legally domesticated or qualified to do business in this State is immaterial.

- b. Maintaining in this State, either permanently or temporarily, directly or through a subsidiary, tangible personal property or certain digital property for the purpose of lease or rental.
  - c. Making a remote sale, if one of the conditions listed in G.S. 105-164.8(b) is met.
  - d. Shipping wine directly to a purchaser in this State as authorized by G.S. 18B-1001.1.
  - e. Making marketplace-facilitated sales subject to the requirements of G.S. 105-164.4J.
- (85) Entertainment activity. - An activity listed in this subdivision:
- a. A live performance or other live event of any kind, the purpose of which is for entertainment.
  - b. A movie, motion picture, or film.
  - c. A museum, a cultural site, a garden, an exhibit, a show, or a similar attraction.
  - d. A guided tour at any of the activities listed in sub-subdivision c. of this subdivision.
- (87) Facilitator. - An accommodation facilitator, an admission facilitator, or a service contract facilitator.
- (89) Food. - Substances that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. The substances may be in liquid, concentrated, solid, frozen, dried, or dehydrated form. The term does not include an alcoholic beverage, as defined in G.S. 105-113.68, or a tobacco product, as defined in G.S. 105-113.4.
- (91) Food sold through a vending machine. - Food dispensed from a machine or another mechanical device that accepts payment.
- (93) Freestanding appliance. - A machine commonly thought of as an appliance operated by gas or electric current. Examples include a dishwasher, washing machine, clothes dryer, refrigerator, freezer, microwave, and range, regardless of whether the range is slide-in or drop-in.
- (95) Gross sales. - The sum total of the sales price of all sales of tangible personal property, digital property, and services.
- (97) Hub. - Either of the following:
- a. An interstate air courier's hub is the interstate air courier's principal airport within the State for sorting and distributing letters and packages and from which the interstate air courier has, or expects to have upon completion of construction, no less than 150 departures a month under normal operating conditions.

- b. An interstate passenger air carrier's hub is the airport in this State that meets both of the following conditions:
    - 1. The air carrier has allocated to the airport under G.S. 105-338 more than sixty percent (60%) of its aircraft value apportioned to this State.
    - 2. The majority of the air carrier's passengers boarding at the airport are connecting from other airports rather than originating at that airport.
- (99) In this (the) State. - Within the exterior limits of the State of North Carolina, including all territory within these limits owned by or ceded to the United States of America.
- (101) Incontinence underpad. - An absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.
- (103) Information service. - A service that generates, acquires, stores, processes, or retrieves data and information and delivers it electronically to or allows electronic access by a consumer whose primary purpose for using the service is to obtain the processed data or information.
- (105) Interstate air business. - An interstate air courier, an interstate freight air carrier, or an interstate passenger air carrier.
- (107) Interstate air courier. - A person whose primary business is the furnishing of air delivery of individually addressed letters and packages for compensation, in interstate commerce, except by the United States Postal Service.
- (109) Interstate freight air carrier. - A person whose primary business is scheduled freight air transportation, as defined in the North American Industry Classification System adopted by the United States Office of Management and Budget, in interstate commerce.
- (111) Interstate passenger air carrier. - A person whose primary business is scheduled passenger air transportation, as defined in the North American Industry Classification System adopted by the United States Office of Management and Budget, in interstate commerce.
- (113) Item. - Tangible personal property, digital property, or a service, unless the context requires otherwise.
- (115) Jet fuel. - Defined in G.S. 105-449.60.
- (117) Landscaping. A service that modifies the living elements of an area of land. Examples include the installation of trees, shrubs, or flowers on land; tree trimming; mowing; and the application of seed, mulch, pine straw, or fertilizer to an area of land. The term does not include services to trees, shrubs, flowers, or similar tangible personal property in pots or in buildings.
- (119) Large fulfillment facility. - A facility that satisfies both of the following conditions:
  - a. The facility is used primarily for receiving, inventorying, sorting, repackaging, and distributing finished retail products for the purpose of fulfilling customer orders.
  - b. The Secretary of Commerce has certified that an investment of private funds of at least one hundred million dollars (\$100,000,000) has been



or will be made in real and tangible personal property for the facility within five years after the date on which the first property investment is made and that the facility will achieve an employment level of at least 400 within five years after the date the facility is placed into service and maintain that minimum level of employment throughout its operation.

- (121) Lease or rental. - A transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:
  - a. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.
  - b. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars (\$100.00) or one percent (1%) of the total required payments.
  - c. The providing of tangible personal property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this sub-subdivision, an operator must do more than maintain, inspect, or set up the tangible personal property.
- (123) Livestock. - Cattle, sheep, goats, swine, horses, or mules.
- (125) Major recycling facility. - Defined in G.S. 105-129.25.
- (127) Manufactured home. - A structure that is designed to be used as a dwelling and is manufactured in accordance with the specifications for manufactured homes issued by the United States Department of Housing and Urban Development.
- (129) Marketplace. - A physical or electronic place, forum, platform, application, or other method by which a marketplace seller sells or offers to sell items, the delivery of or first use of which is sourced to this State.
- (131) Marketplace-facilitated sale. - The sale of an item by a marketplace facilitator on behalf of a marketplace seller that occurs through a marketplace.
- (133) Marketplace facilitator. - A person that, directly or indirectly and whether through one or more affiliates, does both of the following:
  - a. Lists or otherwise makes available for sale a marketplace seller's items through a marketplace owned or operated by the marketplace facilitator.
  - b. Does one or more of the following:
    - 1. Collects the sales price or purchase price of a marketplace seller's items or otherwise processes payment.
    - 2. Makes payment processing services available to purchasers for the sale of a marketplace seller's items.
- (135) Marketplace seller. - A person that sells or offers to sell items through a marketplace regardless of any of the following:
  - a. Whether the person has a physical presence in this State.
  - b. Whether the person is registered as a retailer in this State.
  - c. Whether the person would have been required to collect and remit sales and use tax had the sales not been made through a marketplace.

- d. Whether the person would not have been required to collect and remit sales and use tax had the sales not been made through a marketplace.
- (137) Mixed transaction contract. - A contract that includes both a real property contract for a capital improvement and repair, maintenance, and installation services for real property that are not related to the capital improvement.
- (139) Mobile telecommunications service. - A radio communication service carried on between mobile stations or receivers and land stations and by mobile stations communicating among themselves and includes all of the following:
  - a. Both one-way and two-way radio communication services.
  - b. A mobile service that provides a regularly interacting group of base, mobile, portable, and associated control and relay stations for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation.
  - c. Any service for which a federal license is required in a personal communications service.
- (141) Mobility enhancing equipment. - Equipment that meets all of the conditions of this subdivision. The term includes repair and replacement parts for the equipment. The term does not include durable medical equipment.
  - a. Primarily and customarily used to provide or increase the ability of an individual to move from one place to another.
  - b. Appropriate for use either in a home or motor vehicle.
  - c. Not generally used by a person with normal mobility.
  - d. Not normally provided on a motor vehicle by a motor vehicle manufacturer.
- (143) Modular home. - A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143-139.1.
- (145) Modular homebuilder. - A person who furnishes for consideration a modular home to a purchaser that will occupy the modular home. The purchaser can be a person that will lease or rent the unit as real property.
- (147) Moped. - As defined in G.S. 20-4.01(27)j.
- (149) Motor vehicle. - A vehicle that is designed primarily for use upon the highways and is either self-propelled or propelled by a self-propelled vehicle, but does not include:
  - a. A moped.
  - b. Special mobile equipment.
  - c. A tow dolly that is exempt from motor vehicle title and registration requirements under G.S. 20-51(10) or (11).
  - d. A farm tractor or other implement of husbandry.
  - e. A manufactured home, a mobile office, or a mobile classroom.
  - f. Road construction or road maintenance machinery or equipment.
- (151) Motor vehicle service contract. - A service contract for a motor vehicle or for one or more components, systems, or accessories for a motor vehicle when sold by a motor vehicle dealer, by a motor vehicle service agreement company, or by a motor vehicle dealer on behalf of a motor vehicle service agreement

company. For purposes of this subdivision, the term "motor vehicle dealer" has the same meaning as defined in G.S. 20-286 and the term "motor vehicle service agreement company" is a person other than a motor vehicle dealer that is an obligor of a service contract for a motor vehicle or for one or more components, systems, or accessories for a motor vehicle and who is not an insurer.

- (153) NAICS. - Defined in G.S. 105-228.90.
- (155) Net taxable sales. - The gross sales or gross receipts of a retailer or another person taxed under this Article after deducting exempt sales and nontaxable sales.
- (157) New construction. - Construction of or site preparation for a permanent new building, structure, or fixture on land or an increase in the square footage of an existing building, structure, or fixture on land.
- (159) Nonresident retail or wholesale merchant. - A person who does not have a place of business in this State, is registered for sales and use tax purposes in a taxing jurisdiction outside the State, and is engaged in the business of acquiring, by purchase, consignment, or otherwise, tangible personal property or certain digital property and selling the property outside the State or in the business of providing a service.
- (161) Operator. - A person provided with the lease or rental of tangible personal property or a motor vehicle to operate, drive, or maneuver the tangible personal property or motor vehicle and whose presence, skill, knowledge, and expertise are necessary to bring about a desired or appropriate effect. The person must do more than calibrate, test, analyze, research, probe, or monitor the tangible personal property or motor vehicle.
- (163) Other direct mail. - Any direct mail that is not advertising and promotional mail regardless of whether advertising and promotional direct mail is included in the same mailing.
- (165) Over-the-counter drug. - A drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The label includes either of the following:
  - a. A "Drug Facts" panel.
  - b. A statement of its active ingredients with a list of those ingredients contained in the compound, substance, or preparation.
- (167) Person. - Defined in G.S. 105-228.90.
- (169) Place of primary use. - The street address representative of where the use of a customer's telecommunications service primarily occurs. The street address must be the customer's residential street address or primary business street address. For mobile telecommunications service, the street address must be within the licensed service area of the service provider. If the customer who contracted with the telecommunications provider for the telecommunications service is not the end user of the service, the end user is considered the customer for the purpose of determining the place of primary use.
- (171) Prepaid calling service. - A right that meets all of the following requirements:
  - a. Authorizes the exclusive purchase of telecommunications service.
  - b. Must be paid for in advance.

- c. Enables the origination of calls by means of an access number, authorization code, or another similar means, regardless of whether the access number or authorization code is manually or electronically dialed.
  - d. Is sold in predetermined units or dollars whose number or dollar value declines with use and is known on a continuous basis.
- (173) Prepaid meal plan. - A plan offered by an institution of higher education that meets all of the following requirements:
- a. Entitles a person to food or prepared food.
  - b. Must be billed or paid for in advance.
  - c. Provides for predetermined units or unlimited access to food or prepared food but does not include a dollar value that declines with use.
- (175) Prepaid telephone calling service. - Prepaid calling service or prepaid wireless calling service.
- (177) Prepaid wireless calling service. - A right that meets all of the following requirements:
- a. Authorizes the purchase of mobile telecommunications service, either exclusively or in conjunction with other services.
  - b. Must be paid for in advance.
  - c. Is sold in predetermined units or dollars whose number or dollar value declines with use and is known on a continuous basis.
- (179) Prepared food. - Food that meets at least one of the conditions of this subdivision. Prepared food does not include food the retailer sliced, repackaged, or pasteurized but did not heat, mix, or sell with eating utensils.
- a. It is sold in a heated state or it is heated by the retailer.
  - b. It consists of two or more foods mixed or combined by the retailer for sale as a single item. This sub-subdivision does not include foods containing raw eggs, fish, meat, or poultry that require cooking by the consumer as recommended by the Food and Drug Administration to prevent food borne illnesses.
  - c. It is sold with eating utensils provided by the retailer, such as plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.
- (181) Prescription. - An order, formula, or recipe issued orally, in writing, electronically, or by another means of transmission by a physician, dentist, veterinarian, or another person licensed to prescribe drugs.
- (183) Prewritten computer software. - Computer software, including prewritten upgrades, that is not designed and developed by the author or another creator to the specifications of a specific purchaser. The term includes software designed and developed by the author or another creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser.
- (185) Production company. - A person engaged in the business of making original motion picture, television, or radio images for theatrical, commercial, advertising, or educational purposes.
- (187) Professional motorsports racing team. - A racing team that satisfies all of the following conditions:

- a. The team is operated for profit.
  - b. The team does not claim a deduction under section 183 of the Code.
  - c. The team competes in at least sixty-six percent (66%) of the races sponsored in a race series in a single season by a motorsports sanctioning body.
- (189) Property management contract. - A written contract obligating a person to provide five or more real property management services.
- (191) Prosthetic device. - A replacement, corrective, or supporting device worn on or in the body that meets one of the conditions of this subdivision. The term includes repair and replacement parts for the device. The conditions are as follows:
- a. Artificially replaces a missing portion of the body.
  - b. Prevents or corrects a physical deformity or malfunction.
  - c. Supports a weak or deformed portion of the body.
- (193) Purchase. - Acquired for consideration or consideration in exchange for a service, regardless of any of the following:
- a. Whether the acquisition was effected by a transfer of title or possession, or both, or a license to use or consume.
  - b. Whether the transfer was absolute or conditional regardless of the means by which it was effected.
  - c. Whether the consideration is a price or rental in money or by way of exchange or barter.
- (195) Purchase price. - The term has the same meaning as the term "sales price" when applied to an item subject to use tax.
- (197) Qualified aircraft. - An aircraft with a maximum take-off weight of more than 9,000 pounds but not in excess of 15,000 pounds.
- (199) Qualified jet engine. - An engine certified pursuant to Part 33 of Title 14 of the Code of Federal Regulations.
- (201) Qualifying datacenter. - A datacenter that satisfies each of the following conditions:
- a. The datacenter certifies that it satisfies or will satisfy the wage standard for the development tier area or zone in which the datacenter is located. There is no wage standard for a development tier one area. If an urban progress zone or an agrarian growth zone is not in a development tier one area, then the wage standard for that zone is an average weekly wage that is at least equal to ninety percent (90%) of the lesser of the average wage for all insured private employers in the State and the average wage for all insured private employers in the county in which the datacenter is located. The wage standard for a development tier two area or a development tier three area is an average weekly wage that is at least equal to one hundred ten percent (110%) of the lesser of the average wage for all insured private employers in the State and ninety percent (90%) of the average wage for all insured private employers in the county in which the datacenter is located.
  - b. The Secretary of Commerce has made a written determination that at least seventy-five million dollars (\$75,000,000) in private funds has

been or will be invested by one or more owners, users, or tenants of the datacenter within five years of the date the owner, user, or tenant of the datacenter makes its first real or tangible property investment in the datacenter on or after January 1, 2012. Investments in real or tangible property in the datacenter made prior to January 1, 2012, may not be included in the investment required by this subdivision.

- c. The datacenter certifies that it provides or will provide health insurance for all of its full-time employees as long as the datacenter operates. The datacenter provides health insurance if it pays or will pay at least fifty percent (50%) of the premiums for health care coverage that equals or exceeds the minimum provisions of the basic health care plan of coverage recommended by the Small Employer Carrier Committee pursuant to G.S. 58-50-125.
- (203) Qualifying educational entity. - An entity listed in this subdivision. For purposes of this definition, references to the United States Code mean the United States Code as enacted as of January 1, 2020. The entities are:
- a. An elementary or secondary school, as defined in 20 U.S.C. § 7801.
  - b. An institution of higher education, as defined in 20 U.S.C. § 1002.
- (205) Real property. - Any one or more of the following:
- a. Land.
  - b. Building or structure on land.
  - c. Permanent fixture on land.
  - d. A manufactured home or a modular home on land.
- (207) Real property contract. - A contract between a real property contractor and another person to perform a capital improvement to real property.
- (209) Real property contractor. - A person that contracts to perform a real property contract in accordance with G.S. 105-164.4H. The term includes a general contractor, a subcontractor, or a builder for purposes of this Article.
- (211) Real property management services. - Any of the following activities:
- a. Hiring and supervising employees for the real property.
  - b. Providing a person to manage the real property.
  - c. Receiving and applying revenues received from property owners or tenants of the real property.
  - d. Providing repair, maintenance, and installation services to comply with obligations of a homeowners' association or a landlord under a lease, rental, or management agreement.
  - e. Arranging for a third party to provide repair, maintenance, and installation services.
  - f. Incurring and paying expenses for the management, repair, and maintenance of the real property.
  - g. Handling administrative affairs for the real property.
- (213) Real property manager. - A person that provides real property management services pursuant to a property management contract.
- (215) Reconstruction. - Rebuild or construct again a prior existing permanent building, structure, or fixture on land and may include a change in the square footage from the prior existing building, structure, or fixture on land.

- (217) Related member. - Defined in G.S. 105-130.7A.
- (219) Remodeling. - A transaction comprised of multiple services performed by one or more persons to restore, improve, alter, or update real property that may otherwise be subject to tax as repair, maintenance, and installation services if separately performed. The term includes a transaction where the internal structure or design of one or more rooms or areas within a room or building are substantially changed. The term does not include a single service that is included in repair, maintenance, and installation services. The term does not include a transaction where the true purpose is repair, maintenance, and installation services no matter that another service included in repair, maintenance, and installation services is performed that is incidental to the true purpose of the transaction; examples include repair of sheetrock that includes applying paint, replacement of cabinets that includes installation of caulk or molding, and the installation of hardwood floors that includes installation of shoe molding.
- (221) Remote sale. - A sale of an item ordered by mail, telephone, Internet, mobile phone application, or another method by a retailer who receives the order in another state and delivers the item or makes it accessible to a person in this State or causes the item to be delivered or made accessible to a person in this State or performs a service sourced to this State. It is presumed that a resident of this State who makes an order was in this State at the time the order was made.
- (223) Renovation. - Same meaning as the term "remodeling."
- (225) Repair, maintenance, and installation services. - The term includes the activities listed in this subdivision and applies to tangible personal property, motor vehicles, certain digital property, and real property. The term does not include a service used to fulfill a real property contract taxed in accordance with G.S. 105-164.4H. The included activities are:
- a. To keep or attempt to keep property or a motor vehicle in working order to avoid breakdown and prevent deterioration or repairs. Examples include to clean, wash, or polish property.
  - b. To calibrate, refinish, restore, or attempt to calibrate, refinish, or restore property or a motor vehicle to proper working order or good condition. This activity may include replacing or putting together what is torn or broken.
  - c. To troubleshoot, identify, or attempt to identify the source of a problem for the purpose of determining what is needed to restore property or a motor vehicle to proper working order or good condition. The term includes activities that may lead to the issuance of an inspection report.
  - d. To install, apply, connect, adjust, or set into position tangible personal property or certain digital property. The term includes floor refinishing and the installation of carpet, flooring, floor coverings, windows, doors, cabinets, countertops, and other installations where the item being installed may replace a similar existing item. The replacement of more than one of a like-kind item, such as replacing one or more windows, is repair, maintenance, and installation services. The term does not include

an installation defined as a capital improvement under subdivision (31)d. of this section and substantiated as a capital improvement under G.S. 105-164.4H(a1).

- e. To inspect or monitor property or install, apply, or connect tangible personal property or certain digital property on a motor vehicle or adjust a motor vehicle.
- (227) Retail sale or sale at retail. - The sale, lease, or rental for any purpose other than for resale, sublease, or subrent.
- (229) Retailer. - Any of the following persons:
- a. A person engaged in business of making sales at retail, offering to make sales at retail, or soliciting sales at retail of items sourced to this State. When the Secretary finds it necessary for the efficient administration of this Article to regard any sales representatives, solicitors, representatives, consignees, peddlers, or truckers as agents of the dealers, distributors, consignors, supervisors, employers, or persons under whom they operate or from whom they obtain the items sold by them regardless of whether they are making sales on their own behalf or on behalf of these dealers, distributors, consignors, supervisors, employers, or persons, the Secretary may so regard them and may regard the dealers, distributors, consignors, supervisors, employers, or persons as "retailers" for the purpose of this Article.
  - b. A person, other than a real property contractor, engaged in business of delivering, erecting, installing, or applying tangible personal property or certain digital property for use in this State.
  - c. A person engaged in business of making a remote sale, if one of the conditions listed in G.S. 105-164.8(b) is met.
  - d. A person required to collect the State tax levied under this Article or the local taxes levied under Subchapter VIII of this Chapter and under Chapter 1096 of the 1967 Session Laws.
  - e. A marketplace facilitator that is subject to the requirements of G.S. 105-164.4J or a facilitator that is required to collect and remit the tax under this Article.
- (231) Retailer-contractor. - A person that acts as a retailer when it makes a sale at retail and as a real property contractor when it performs a real property contract.
- (233) Ringtone. - A digitized sound file that is downloaded onto a device and that may be used to alert the user of the device with respect to a communication.
- (235) Sale or selling. - The transfer for consideration of title, license to use or consume, or possession of tangible personal property or certain digital property or the performance for consideration of a service. The transfer or performance may be conditional or in any manner or by any means. The term applies to the following:
- a. Fabrication of tangible personal property for consumers by persons engaged in business who furnish either directly or indirectly the materials used in the fabrication work.



- b. Furnishing or preparing tangible personal property consumed on the premises of the person furnishing or preparing the property or consumed at the place at which the property is furnished or prepared.
  - c. A transaction in which the possession of the tangible personal property or certain digital property is transferred but the seller retains title or security for the payment of the consideration.
  - d. A lease or rental.
  - e. Transfer of a digital code.
  - f. An accommodation.
  - g. A service contract.
  - h. Any other item subject to tax under this Article.
- (237) Sales price. - The total amount or consideration for which an item is sold, leased, or rented. The consideration may be in the form of cash, credit, property, or services. The sales price must be valued in money, regardless of whether it is received in money.
- a. The term includes all of the following:
    - 1. The retailer's cost of the item sold.
    - 2. The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the retailer, all taxes imposed on the retailer, and any other expense of the retailer.
    - 3. Charges by the retailer for any services necessary to complete the sale.
    - 4. Delivery charges.
    - 5. Installation charges.
    - 6. Repealed by Session Laws 2007-244, s. 1, effective October 1, 2007.
    - 7. Credit for trade-in. The amount of any credit for trade-in is not a reduction of the sales price.
    - 8. The amount of any discounts that are reimbursable by a third party and can be determined at the time of sale through any of the following:
      - I. Presentation by the consumer of a coupon or other documentation.
      - II. Identification of the consumer as a member of a group eligible for a discount.
      - III. The invoice the retailer gives the consumer.
  - b. The term does not include any of the following:
    - 1. Discounts that are not reimbursable by a third party, are allowed by the retailer, and are taken by a consumer on a sale.
    - 2. Interest, financing, and carrying charges from credit extended on the sale, if the amount is separately stated on the invoice, bill of sale, or a similar document given to the consumer.
    - 3. Any taxes imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer.

- (239) Satellite digital audio radio service. - A radio communication service in which audio programming is digitally transmitted by satellite to an earth-based receiver, whether directly or via a repeater station.
- (241) Secondary metals recycler. - A person that gathers and obtains ferrous metals, nonferrous metals, and products that have served their original economic purpose and that converts them by processes, including sorting, cutting, classifying, cleaning, baling, wrapping, shredding, or shearing into a new or different product for sale consisting of prepared grades.
- (243) Secretary. - The Secretary of the North Carolina Department of Revenue.
- (245) Service contract. - A contract where the obligor under the contract agrees to maintain, monitor, inspect, repair, or provide another service included in the definition of repair, maintenance, and installation services to certain digital property, tangible personal property, or real property for a period of time or some other defined measure. The term does not include a single service included in repair, maintenance, or installation services, but does include a contract where the obligor may provide a service included in the definition of repair, maintenance, and installation services as a condition of the contract. The term includes a service contract for a pool, fish tank, or similar aquatic feature and a home warranty. Examples include a warranty agreement other than a manufacturer's warranty or dealer's warranty provided at no charge to the purchaser, an extended warranty agreement, a maintenance agreement, a repair agreement, or a similar agreement or contract.
- (247) Service contract facilitator. - A person who contracts with the obligor of a service contract to market the service contract and accepts payment from the purchaser for the service contract.
- (249) Soft drink. - A nonalcoholic beverage that contains natural or artificial sweeteners. The term does not include beverages that contain one or more of the following:
  - a. Milk or milk products.
  - b. Soy, rice, or similar milk substitutes.
  - c. More than fifty percent (50%) vegetable or fruit juice.
- (251) Special mobile equipment. - Any of the following:
  - a. A vehicle that has a permanently attached crane, mill, well-boring apparatus, ditch-digging apparatus, air compressor, electric welder, feed mixer, grinder, or other similar apparatus is driven on the highway only to get to and from a nonhighway job and is not designed or used primarily for the transportation of persons or property.
  - b. A vehicle that has permanently attached special equipment and is used only for parade purposes.
  - c. A vehicle that is privately owned, has permanently attached fire-fighting equipment, and is used only for fire-fighting purposes.
  - d. A vehicle that has permanently attached playground equipment and is used only for playground purposes.
- (253) Specified digital products. - Digital audio works, digital audiovisual works, and digital books.

- (255) State agency. - A unit of the executive, legislative, or judicial branch of State government, such as a department, a commission, a board, a council, or The University of North Carolina. The term does not include a local board of education.
- (257) Storage. - The keeping or retention in this State for any purpose, except sale in the regular course of business, of tangible personal property or certain digital property for any period of time purchased from a person in business.
- (259) Streamlined Agreement. - The Streamlined Sales and Use Tax Agreement as amended as of December 14, 2018.
- (261) Tangible personal property. - Personal property that may be seen, weighed, measured, felt, or touched or is in any other manner perceptible to the senses. The term includes electricity, water, gas, steam, and prewritten computer software.
- (263) Taxing area. - Any of the following specific geographic areas:
  - a. A street address.
  - b. The area within a nine-digit zip code.
  - c. The area within a five-digit zip code.
- (265) Taxing district. - A county or any other district, by or for which ad valorem taxes or sales taxes are levied, excluding the State.
- (267) Taxpayer. - Any person liable for taxes under this Article.
- (269) Telecommunications service. - The electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term includes any transmission, conveyance, or routing in which a computer processing application is used to act on the form, code, or protocol of the content for purposes of the transmission, conveyance, or routing, regardless of whether it is referred to as voice-over Internet protocol or the Federal Communications Commission classifies it as enhanced or value added. The term does not include the following:
  - a. An information service.
  - b. The sale, installation, maintenance, or repair of tangible personal property.
  - c. Directory advertising and other advertising.
  - d. Billing and collection services provided to a third party.
  - e. Internet access service.
  - f. Radio and television audio and video programming service, regardless of the medium of delivery, and the transmission, conveyance, or routing of the service by the programming service provider. The term includes cable service and audio and video programming service provided by a mobile telecommunications service provider.
  - g. Ancillary service.
  - h. Certain digital property.
- (271) Transferred electronically. - Obtained by the purchaser by means other than tangible storage media and includes delivered or accessed electronically.
- (273) Use. - The exercise of any right, power, or dominion whatsoever over an item by the purchaser of the item. The term includes withdrawal from storage,

distribution, installation, affixation to real or personal property, and exhaustion or consumption of the item by the owner or purchaser. The term does not include a sale of an item in the regular course of business.

- (275) Use tax. - The tax imposed by Part 2 of this Article.
- (277) Video programming. - Programming provided by, or generally considered comparable to programming provided by, a television broadcast station, regardless of the method of delivery.
- (279) Wholesale merchant. - A person engaged in the business of any of the following:
  - a. Making wholesale sales.
  - b. Buying or manufacturing items and selling them to a registered person or nonresident retail or wholesale merchant for resale.
  - c. Manufacturing, producing, processing, or blending any articles of commerce and maintaining a store, warehouse, or any other place that is separate and apart from the place of manufacture or production for the sale or distribution of the articles, other than bakery products, to another for the purpose of resale.
- (281) Wholesale sale. - A sale of an item for the purpose of resale. The term includes a sale of certain digital property for reproduction into certain digital property or tangible personal property offered for sale. The term does not include a sale to a user or consumer not for resale or, in the case of certain digital property, not for reproduction and sale of the reproduced property. (1957, c. 1340, s. 5; 1959, c. 1259, s. 5; 1961, c. 1213, s. 1; 1967, c. 1110, s. 6; 1973, c. 476, s. 193; c. 1287, s. 8; 1975, c. 104; c. 275, s. 6; 1979, c. 48, s. 2; c. 71; c. 801, s. 72; 1983, c. 713, ss. 87, 88; 1983 (Reg. Sess., 1984), c. 1097, ss. 4, 5; 1985, c. 23; 1987, c. 27; c. 557, s. 3.1; c. 854, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 1044, s. 3; c. 1096, ss. 1-3; 1989, c. 692, s. 3.2; 1989 (Reg. Sess., 1990), c. 813, s. 13; 1991, c. 45, s. 15; c. 79, ss. 1, 3; c. 689, s. 190.1(a); 1991 (Reg. Sess., 1992), c. 949, s. 3; 1993, c. 354, s. 16; c. 484, s. 1; c. 507, s. 1; 1995 (Reg. Sess., 1996), c. 649, s. 2; 1996, 2nd Ex. Sess., c. 14, ss. 13, 14; 1997-6, s. 7; 1997-370, s. 1; 1997-426, s. 4; 1998-22, s. 4; 1998-55, ss. 7, 13; 1998-98, ss. 13.1(a), 106; 1999-337, s. 28(a), (b); 1999-360, s. 6(a)-(c); 1999-438, s. 4; 2000-153, s. 4; 2000-173, s. 9; 2001-347, ss. 2.1-2.7; 2001-414, s. 14; 2001-424, s. 34.17(b); 2001-430, ss. 1, 2; 2001-476, s. 18(a); 2001-489, s. 3(a); 2002-16, ss. 1, 2, 3; 2002-170, s. 6; 2003-284, s. 45.2; 2003-400, ss. 13, 14; 2003-402, s. 12; 2004-124, s. 32B.3; 2004-170, ss. 18, 19; 2005-276, ss. 33.2, 33.3; 2006-33, s. 1; 2006-66, ss. 24.10(a), 24.17(a); 2006-151, s. 2; 2006-162, s. 5(a); 2006-168, ss. 4.1, 4.3; 2006-252, ss. 2.25(a), (a1), (c), 2.26; 2007-244, s. 1; 2007-323, ss. 31.14(a), 31.20(a), 31.23(b); 2008-107, s. 28.12(a); 2009-445, s. 11; 2009-451, s. 27A.3(d), (g); 2010-91, ss. 1, 2; 2010-166, s. 3.3; 2011-330, ss. 15(a), (b), 31(c); 2012-79, s. 2.7; 2013-316, s. 6(a); 2013-414, ss. 8, 23(a); 2014-3, ss. 4.1(a), 6.1(a), 7.1(a), 14.7; 2015-6, ss. 2.1(b), 2.10; 2015-241, s. 32.18(a); 2015-259, ss. 3(a), 6(a), 4.1(a), 4.2(a); 2015-268, s. 10.1(g); 2016-5, ss. 3.2(a), 3.2(b), 5.5(a); 2016-90, s. 13(h); 2016-92, s. 2.2; 2016-94, s. 38.5(d); 2017-39, s. 5; 2017-57, ss. 38.8(d), 38.9(a); 2017-102, s. 5.2(b); 2017-204, ss. 2.1, 2.9(i); 2018-5, s. 38.5(a), (b), (x); 2019-169, ss. 3.1(a), 3.1(b), 3.4(b), 3.5(a), 3.9(a)-

(c), 3.13(a); 2019-177, s. 9(b); 2019-237, s. 8.1(b); 2019-246, ss. 4(a), (d), (h), (j), (m), (p), 7(a), 8; 2020-6, ss. 1(b), 3(a), (c).)

**§ 106-22.5. Agricultural tourism signs.**

(a) The Department of Agriculture and Consumer Services shall work with the Department of Transportation to provide directional signs on major highways at or in reasonable proximity to the nearest interchange leading to an agricultural facility that promotes tourism by providing tours and on-site sales or samples of North Carolina agricultural products to area tourists. The Department shall follow the sign location and placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and Logo Signs programs.

(b) An agricultural facility must be open for business at least four days a week, 10 months of the year in order to qualify for the directional signs provided for in this section. The Department shall assess the facility the actual reasonable costs of the sign and its installation. (1999-356, s. 1; 2014-58, s. 2.)

**§ 113A-50. Short title.**

This Article shall be known as and may be cited as the "Sedimentation Pollution Control Act of 1973." (1973, c. 392, s. 1.)

**§ 113A-57. Mandatory standards for land-disturbing activity.**

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

- (1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Sedimentation Control Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- (2) The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion.

- (3) Whenever land-disturbing activity that will disturb more than one acre is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development within a time period to be specified by rule of the Commission.
- (4) No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for the activity is filed with the agency having jurisdiction and approved by the agency. An erosion and sedimentation control plan may be filed less than 30 days prior to initiation of a land-disturbing activity if the plan is submitted under an approved express permit program, and the land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved. The agency having jurisdiction shall forward to the Director of the Division of Water Resources a copy of each erosion and sedimentation control plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.
- (5) The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan. (1973, c. 392, s. 8; c. 1417, s. 5; 1975, c. 647, s. 2; 1979, c. 564; 1983 (Reg. Sess., 1984), c. 1014, s. 3; 1987, c. 827, s. 131; 1989, c. 676, s. 3; 1991, c. 275, s. 2; 1998-99, s. 1; 1999-379, s. 2; 2002-165, s. 2.6; 2005-386, s. 7.2; 2005-443, s. 2; 2006-255, s. 2; 2006-264, s. 53(a); 2013-413, s. 57(f).)

#### **§ 113A-66. Civil relief.**

- (a) Any person injured by a violation of this Article or any ordinance, rule, or order duly adopted by the Secretary or a local government, or by the initiation or continuation of a land-disturbing activity for which an erosion and sedimentation control plan is required other than in accordance with the terms, conditions, and provisions of an approved plan, may bring a civil action against the person alleged to be in violation (including the State and any local government). The action may seek any of the following:
  - (1) Injunctive relief.
  - (2) An order enforcing the law, rule, ordinance, order, or erosion and sedimentation control plan violated.
  - (3) Damages caused by the violation.
  - (4) Repealed by Session Laws 2002-165, s. 2.15, effective October 23, 2002.

If the amount of actual damages as found by the court or jury in suits brought under this subsection is five thousand dollars (\$5,000) or less, the plaintiff shall be awarded costs of litigation including reasonable attorneys fees and expert witness fees.

- (b) Civil actions under this section shall be brought in the superior court of the county in which the alleged violations occurred.

- (c) The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including reasonable attorney and expert-witness fees) to any party, whenever it determines that such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require, the filing of a bond or equivalent security, the amount of such bond or security to be determined by the court.
- (d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek injunctive or other relief. (1973, c. 392, s. 17; 1987 (Reg. Sess., 1988), c. 1000, s. 6; 2002-165, s. 2.15.)

#### **§ 116-44.4. Regulation of traffic and parking and registration of motor vehicles.**

- (a) Except as otherwise provided in this Part, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of motor vehicles thereon are applicable to all streets, alleys, driveways, parking lots, and parking structures on University property. Nothing in this section modifies any rights of ownership or control of University property, now or hereafter vested in the Board of Governors of the University of North Carolina or the State of North Carolina.
- (b) Each board of trustees may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles and other modes of conveyance on the campus. In fixing speed limits, the board of trustees is not subject to G.S. 20-141(f1) or (g2), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the board of trustees. The board of trustees may not regulate traffic on streets open to the public as of right, except as specifically provided in this Part.
- (c) Each board of trustees may by ordinance provide for the registration of motor vehicles maintained or operated on the campus by any student, faculty member, or employee of the University, and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered motor vehicle on the campus when the vehicle is required by the ordinance to be registered.
- (d) Each board of trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the University and members of the general public attending schools, conferences, or meetings at the University, visiting or making use of any University facilities, or attending to official business with the University. The board of trustees may issue permits to park in these lots and garages and may charge a fee therefor. The board of trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle. No permit to park shall be issued until the student requesting the permit provides the name of the insurer, the policy number under which the student has financial responsibility, and the student certifies that the motor vehicle is insured at the levels set in G.S. 20-279.1(11) or higher. This subsection applies to motor vehicles that are registered in other states as well as motor vehicles that are registered in this State pursuant to Chapter 20 of the General Statutes.
- (e) Each board of trustees may by ordinance set aside spaces in designated parking areas or facilities in which motor vehicles may be parked for specified periods of time. To regulate parking in such spaces, the board of trustees may install a system of parking meters and make it unlawful for any person to park a motor vehicle in a metered space without activating the meter for the entire time that the vehicle is parked, up to the maximum length of time allowed for that space. The meters may be activated by coins of the United States. The board of trustees may also install automatic

gates, employ attendants, and use any other device or procedure to control access to and collect the fees for using its parking areas and facilities.

- (f) The board of trustees may by ordinance provide for the issuance of stickers, decals, permits, or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of them.
- (g) Violation of an ordinance adopted under any portion of this Part is an infraction as defined in G.S. 14-3.1 and is punishable by a penalty of not more than fifty dollars (\$50.00). An ordinance may provide that certain prohibited acts shall not be infractions and in such cases the provisions of subsection (h) may be used to enforce the ordinance.
- (h) An ordinance adopted under any portion of this Part may provide that violation subjects the offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense or the number of prior offenses by the person charged. Each board of trustees may establish procedures for the collection of these penalties and they may be enforced by civil action in the nature of debt. The board of trustees may also provide for appropriate administrative sanctions if an offender does not pay a validly due penalty or upon repeated offenses. Appropriate administrative sanctions include, but are not limited to, revocation of parking permits, termination of vehicle registration, and termination or suspension of enrollment in or employment by the University.
- (i) An ordinance adopted under any portion of this Part may provide that any vehicle illegally parked may be removed to a storage area. Regardless of whether a constituent institution does its own removal and disposal of motor vehicles or contracts with another person to do so, the institution shall provide a hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.
  - (1) If the institution operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.
  - (2) If the institution operates in such a way that it is responsible for collecting towing fees, it shall:
    - a. Provide by contract or ordinance for a schedule of reasonable towing fees,
    - b. Provide a procedure for a prompt fair hearing to contest the towing,
    - c. Provide for an appeal to district court from that hearing,
    - d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and
    - e. If the institution chooses to enforce its authority by sale of the vehicle, provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the institution may destroy it.
- (j) Evidence that a motor vehicle was found parked or unattended in violation of an ordinance of the board of trustees is prima facie evidence that the vehicle was parked by:
  - (1) The person holding a University parking permit for the vehicle, or
  - (2) If no University parking permit has been issued for the vehicle, the person in whose name the vehicle is registered with the University pursuant to subsection (c), or



- (3) If no University parking permit has been issued for the vehicle and the vehicle is not registered with the University, the person in whose name it is registered with the North Carolina Division of Motor Vehicles or the corresponding agency of another state or nation.

The rule of evidence established by this subsection applies only in civil, criminal, or administrative actions or proceedings concerning violations of ordinances of the board of trustees. G.S. 20-162.1 does not apply to such actions or proceedings.

- (k) Each board of trustees shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.
- (l) All ordinances adopted under this Part shall be recorded in the minutes of the board of trustees and copies thereof shall be filed in the offices of the President of the University of North Carolina and the Secretary of State. Each board of trustees shall provide for printing and distributing copies of its traffic and parking ordinances.
- (m) All moneys received pursuant to this Part, except for the clear proceeds of all civil penalties collected pursuant to subsection (h) of this section, shall be placed in a trust account in each constituent institution, are appropriated, and may be used for any of the following purposes:
  - (1) To defray the cost of administering and enforcing ordinances adopted under this Part;
  - (2) To develop, maintain, and supervise parking areas and facilities;
  - (3) To provide bus service or other transportation systems and facilities, including payments to any public or private transportation system serving University students, faculty, or employees;
  - (4) As a pledge to secure revenue bonds for parking facilities issued under Article 21 of this Chapter;
  - (5) Other purposes related to parking, traffic, and transportation on the campus.

The clear proceeds of all civil penalties collected pursuant to subsection (h) of this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1973, c. 495, s. 1; 1975, c. 716, s. 5; 1981 (Reg. Sess., 1982), c. 1239, s. 3; 1983, c. 420, s. 5; 1985, c. 764, s. 36; 2001-336, s. 1; 2005-276, s. 6.37(r); 2006-203, s. 51.)

#### **§ 116-44.5. Special provisions applicable to identified constituent institutions of the University of North Carolina.**

In addition to the powers granted by G.S. 116-44.4, the board of trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

- (1) The Board of Trustees of the University of North Carolina at Chapel Hill may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Chapel Hill where parking is not prohibited by an ordinance of the Town of Chapel Hill:
  - a. Battle Lane;
  - b. Country Club Road, between Raleigh Street and South Road;
  - c. Manning Drive;
  - d. McCauley Street, between Columbia Street and Pittsboro Street;
  - e. Pittsboro Street, between South Columbia Street and Cameron Avenue;
  - f. Boundary Street, between Country Club Road and East Franklin Street;
  - g. Park Place, between Boundary Street and East Franklin Street;

- h. South Columbia Street, between Franklin Street and Manning Drive;
- i. Cameron Avenue, between South Columbia Street and Raleigh Street;
- j. Raleigh Street;
- k. Ridge Road;
- l. South Road, between Columbia Street and Country Club Road.

In addition, the Board of Trustees of the University of North Carolina at Chapel Hill may regulate traffic on Cameron Avenue, between Raleigh Street and South Columbia Street, and on Raleigh Street, in any manner not inconsistent with ordinances of the Town of Chapel Hill.

- (2) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

- a. Rivers Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;
- b. Stadium Drive, between Rivers Street and Hemlock Drive;
- c. College Street, to the extent that it is bounded on both sides by the university campus;
- d. Appalachian Street, between Locust Street and Howard Street;
- e. Brown Street, between Locust Street and Howard Street;
- f. Hill Street, only on the half of Hill Street bounded by the university campus;
- g. Stansberry Circle, from Holmes Drive to the end of Stansberry Circle;
- h. Locust Street, from U.S. 221-U.S. 321 (Hardin Street) to the end of Locust Street; and
- i. Dale Street, from State Farm Road to the end of Dale Street.

- (3) The Board of Trustees of the University of North Carolina at Charlotte may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public roads in the County of Mecklenburg where parking is not prohibited by ordinance or other source of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate parking on such public road:

- a. Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road.

In addition, the Board of Trustees of the University of North Carolina at Charlotte may regulate traffic on Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road, in any manner not inconsistent with any ordinances or other sources of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate traffic on such public road.

- (3a) The Board of Trustees of the University of North Carolina at Wilmington may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the City of Wilmington where parking is not prohibited by an ordinance of the City of Wilmington:

- a. "H" Street.

- (3b) The Board of Trustees of the University of North Carolina at Greensboro may by ordinance prohibit, regulate, and limit the parking of motor vehicles for those portions of any of the following public streets in the City of Greensboro where parking is not prohibited by an ordinance of the City of Greensboro:
- a. Forest Street between Oakland Avenue and Spring Garden Street.
  - b. Highland Avenue between Oakland Avenue and Spring Garden Street.
  - c. Jefferson Street between Spring Garden Street and the Walker/Aycock parking lot.
  - d. Kenilworth Street between Oakland Avenue and Walker Avenue.
  - e. McIver Street between Walker Avenue and West Market Street.
  - f. Stirling Street between Oakland Avenue and Walker Avenue.
  - g. Theta Street between Kenilworth Street and Stirling Street.
  - h. Walker Avenue between Aycock Street and Jackson Library and between Tate Street and McIver Street.
- (3c) The Board of Trustees of North Carolina Agricultural and Technical State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following streets in the City of Greensboro where parking is not prohibited by an ordinance of the City of Greensboro:
- a. Dudley Street between Market Street and Bluford Street.
  - b. Bluford Street between Regan Street and Luther Street.
  - c. Laurel Street between Lindsay Street and East Market Street.
  - d. Benbow Road between Sullivan Street and East Market Street.
  - e. Sullivan Street between O'Henry Boulevard overpass and Lindsay Street.
  - f. Beech Street between Bluford Street and Lindsay Street.
  - g. Obermeyer Street between Bluford Street and Market Street.
  - h. Daniel Street between Bluford Street and Market Street.
  - i. Nocho Street between Bluford Street and Market Street.
- In addition, the Board of Trustees of North Carolina A&T State University may regulate traffic on the following streets for the portion of those streets that abut the university: Benbow Road, Dudley Street, Lindsay Street, and Market Street, provided that the regulation is not inconsistent with ordinances of the City of Greensboro.
- (4) This section does not diminish the authority of any affected municipality, county or other governmental entity to prohibit parking on any public street or road listed herein. It is intended only to authorize the respective boards of trustees of the constituent institutions identified hereinabove to further prohibit, regulate, and limit parking on certain public streets and roads running through or adjacent to the campuses of the constituent institutions where parking is not prohibited by ordinance or other law of any affected municipality, county or other governmental entity. When an ordinance or other law of an affected municipality, county or other governmental entity is adopted to prohibit parking on any portion of any public street or road then regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superseded and the University, upon request of the municipality, county or other governmental entity, shall immediately remove any signs, devices, or markings erected or placed by the University on that portion of the street or road pursuant to the

superseded ordinance. (1973, c. 495, s. 1; 1979, c. 238; 2001-170, s. 1; 2003-213, s. 1; 2005-165, s. 1.)

**§ 132-1. "Public records" defined.**

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

**§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.**

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. - Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

(c) Public Enterprise Billing Information. - Billing information compiled and maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a public enterprise, excluding airports, is not a public record as defined in G.S.

132-1. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

- (1) That the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies or investors or potential investors in making informed decisions regarding bonds or other obligations incurred or to be incurred with respect to the public enterprise;
- (2) That is necessary to assist the city, county, State, or public enterprise to maintain the integrity and quality of services it provides; or
- (3) That is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties.

As used herein, "billing information" means any record or information, in whatever form, compiled or maintained with respect to individual customers by any owner or operator of a public enterprise, as defined in G.S. 160A-311, excluding subdivision (9), and G.S. 153A-274, excluding subdivision (4), or other public entity providing utility services, excluding airports, relating to services it provides or will provide to the customer.

(d) Address Confidentiality Program Information. - The actual address and telephone number of a program participant in the Address Confidentiality Program established under Chapter 15C of the General Statutes is not a public record within the meaning of Chapter 132. The actual address and telephone number of a program participant may not be disclosed except as provided in Chapter 15C of the General Statutes.

(e) Controlled Substances Reporting System Information. - Information compiled or maintained in the Controlled Substances Reporting System established under Article 5E of Chapter 90 of the General Statutes is not a public record as defined in G.S. 132-1 and may be released only as provided under Article 5E of Chapter 90 of the General Statutes.

(f) Personally Identifiable Admissions Information. - Records maintained by The University of North Carolina or any constituent institution, or by the Community Colleges System Office or any community college, which contain personally identifiable information from or about an applicant for admission to one or more constituent institutions or to one or more community colleges shall be confidential and shall not be subject to public disclosure pursuant to G.S. 132-6(a). Notwithstanding the preceding sentence, any letter of recommendation or record containing a communication from an elected official to The University of North Carolina, any of its constituent institutions, or to a community college, concerning an applicant for admission who has not enrolled as a student shall be considered a public record subject to disclosure pursuant to G.S. 132-6(a). Nothing in this subsection is intended to limit the disclosure of public records that do not contain personally identifiable information, including aggregated data, guidelines, instructions, summaries, or reports that do not contain personally identifiable information or from which it is feasible to redact any personally identifiable information that the record contains. As used in this subsection, the term "community college" is as defined in G.S. 115D-2(2), the term "constituent institution" is as defined in G.S. 116-2(4), and the term "Community Colleges System Office" is as defined in G.S. 115D-3.

(g) Public Agency Proprietary Computer Code. - Proprietary computer code written by and for use by an agency of North Carolina government or its subdivisions is not a public record as defined in G.S. 132-1.

(h) Employment Security Information. - Confidential information obtained, compiled, or maintained by the Division of Employment Security may not be disclosed except as provided in

G.S. 96-4. As used in this subsection, the term "confidential information" has the same meaning as in G.S. 96-4(x). (1975, c. 662; 1993, c. 485, s. 38; 1995 (Reg. Sess., 1996), c. 646, s. 21; 2001-473, s. 1; 2002-171, s. 7; 2003-287, s. 1; 2005-276, s. 10.36(b); 2007-372, s. 2; 2013-96, s. 1; 2014-117, s. 2.)

#### **§ 132-1.2. Confidential information.**

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
  - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
  - b. Is the property of a private "person" as defined in G.S. 66-152(2).
  - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
  - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1.
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, date of birth, drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document.
- (5) Reveals the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes that has been submitted for project approval to (i) a municipality under Part 5 of Article 19 of Chapter 160A of the General Statutes or (ii) to a county under Part 4 of Article 18 of Chapter 153A of the General Statutes. Notwithstanding this exemption, a municipality or county that receives a request for a document submitted for project approval that contains the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes and that is otherwise a public record by G.S. 132-1 shall allow a copy of the document without the seal of the licensed design professional to be examined and copied, consistent with any rules adopted by the licensing board under Chapter 83A or Chapter 89C of the General Statutes regarding an unsealed document.
- (6) Reveals documents related to the federal government's process to determine closure or realignment of military installations until a final decision has been made by the federal government in that process.
- (7) Reveals name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prepares, prescribes, dispenses,

supplies, or administers the drugs or supplies obtained for any purpose authorized by Article 19 of Chapter 15 of the General Statutes.

- (8) Reveals the name, address, or other identifying information of any individual winning more than fifty million dollars (\$50,000,000) in a lottery game who requests to remain anonymous for 90 days, as provided in G.S. 18C-132(j1).
- (9) Reveals proprietary design work or work product included in a proposal that is submitted to the Department of Transportation for consideration, or any Department intra-agency communications related to the review of a proposal, during a competitive bid process. For the purposes of this subdivision, the competitive bid process is completed upon contract award. Proprietary design work, work product, or intra-agency communications that are otherwise public records pursuant to G.S. 132-1 are no longer confidential and subject to disclosure upon contract award. (1989, c. 269; 1991, c. 745, s. 3; 1999-434, s. 7; 2001-455, s. 2; 2001-513, s. 30(b); 2003-226, s. 5; 2004-127, s. 17(b); 2009-346, s. 1; 2014-79, s. 8; 2015-198, s. 6; 2019-142, s. 6; 2019-156, s. 3.)

#### **§ 132-3. Destruction of records regulated.**

(a) Prohibition. - No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Natural and Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

(b) Revenue Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Department of Revenue has been copied in any manner, the original record may be destroyed upon the order of the Secretary of Revenue. If a record of the Department of Revenue has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Secretary of Revenue.

(c) Employment Security Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Division of Employment Security has been copied in any manner, the original record may be destroyed upon the order of the Division. If a record of that Division has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Assistant Secretary of Commerce. (1935, c. 265, s. 3; 1943, c. 237; 1953, c. 675, s. 17; 1957, c. 330, s. 2; 1973, c. 476, s. 48; 1993, c. 485, s. 39; c. 539, s. 966; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 12; 2001-115, s. 2; 2011-401, s. 3.16; 2015-241, s. 14.30(s).)

#### **§ 132-6. Inspection, examination and copies of public records.**

(a) Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. As used herein, "custodian" does not mean an agency that holds the public records of other agencies solely for purposes of storage or safekeeping or solely to provide data processing.

(a1) A public agency or custodian may satisfy the requirements in subsection (a) of this section by making public records available online in a format that allows a person to view the public record and print or save the public record to obtain a copy. If the public agency or custodian maintains public records online in a format that allows a person to view and print or save the public records to obtain a copy, the public agency or custodian is not required to provide copies to these public records in any other way.

(b) No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.

(c) No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, public records relating to the proposed expansion or location of specific business or industrial projects may be withheld so long as their inspection, examination or copying would frustrate the purpose for which such public records were created; provided, however, that nothing herein shall be construed to permit the withholding of public records relating to general economic development policies or activities. Once the State, a local government, or the specific business has announced a commitment by the business to expand or locate a specific project in this State or the business has made a final decision not to do so, of which the State or local government agency involved with the project knows or should know, the provisions of this subsection allowing public records to be withheld by the agency no longer apply. Once the provisions of this subsection no longer apply, the agency shall disclose as soon as practicable, and within 25 business days, public records requested for the announced project that are not otherwise made confidential by law. An announcement that a business or industrial project has committed to expand or locate in the State shall not require disclosure of local government records relating to the project if the business has not selected a specific location within the State for the project. Once a specific location for the project has been determined, local government records must be disclosed, upon request, in accordance with the provisions of this section. For purposes of this section, "local government records" include records maintained by the State that relate to a local government's efforts to attract the project.

Records relating to the proposed expansion or location of specific business or industrial projects that are in the custody of the Department of Commerce or an entity with which the Department contracts pursuant to G.S. 143B-431.01 shall be treated as follows:

- (1) Unless controlled by another subdivision of this subsection, the records may be withheld if their inspection, examination, or copying would frustrate the purpose for which the records were created.
- (2) If no discretionary incentives pursuant to Chapter 143B of the General Statutes are requested for a project and if the specific business decides to expand or locate the project in the State, then the records relating to the project shall not be disclosed.
- (3) If the specific business has requested discretionary incentives for a project pursuant to Chapter 143B of the General Statutes and if either the business decides not to expand or locate the project in the State or the project does not receive the discretionary incentives, then the only records relating to the project



that may be disclosed are the requests for discretionary incentives pursuant to Chapter 143B of the General Statutes and any information submitted to the Department by the contracted entity.

- (4) If the specific business receives a discretionary incentive for a project pursuant to Chapter 143B of the General Statutes and the State or the specific business announces a commitment to expand or locate the project in this State, all records requested for the announced project, not otherwise made confidential by law, shall be disclosed as soon as practicable and within 25 days from the date of announcement.

(e) The application of this Chapter is subject to the provisions of Article 1 of Chapter 121 of the General Statutes, the North Carolina Archives and History Act.

(f) Notwithstanding the provisions of subsections (a) and (a1) of this section, the inspection or copying of any public record which, because of its age or condition could be damaged during inspection or copying, may be made subject to reasonable restrictions intended to preserve the particular record. (1935, c. 265, s. 6; 1987, c. 835, s. 1; 1995, c. 388, s. 2; 2005-429, s. 1.1; 2014-18, s. 1.1(c); 2014-115, s. 56.1; 2017-10, s. 2.9(b).)

#### **§ 136-18. Powers of Department of Transportation.**

The Department of Transportation has the following powers:

- (1) The authority and general supervision over all matters relating to the construction, maintenance, and design of State transportation projects, letting of contracts therefor, and the selection of materials to be used in the construction of State transportation projects under the authority of this Chapter.
- (2) Related to right-of-way:
- a. To take over and assume exclusive control for the benefit of the State of any existing county or township roads.
  - b. To locate and acquire rights-of-way for any new roads that may be necessary for a State highway system.
  - c. Subject to the provisions of G.S. 136-19.5(a) and (b), to use existing rights-of-way, or locate and acquire such additional rights-of-way, as may be necessary for the present or future relocation or initial location, above or below ground, of all of the following:
    1. Telephone, telegraph, distributed antenna systems (DAS), broadband communications, electric and other lines, as well as gas, water, sewerage, oil, and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination thereof.
    2. Nonutility owned or operated communications or data transmission infrastructure.

The Department may widen, relocate, change, or alter the grade or location thereof, or alter the location or configuration of the lines or

systems above or below ground. No agreement for use of Department right-of-way under this sub-subdivision shall abrogate the Department's ownership and control of the right-of-way. The Department may adopt policies and rules necessary to implement this sub-subdivision.

- d. To change or relocate any existing roads that the Department of Transportation owns or acquires.
- e. To acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State transportation system and adjacent utility rights-of-way.
- f., g. Repealed by Session Laws 2019-76, s. 23, effective October 1, 2019.

All changes or alterations authorized by this subdivision are subject to G.S. 136-54 to G.S. 136-63, to the extent that those sections are applicable.

Nothing in this Chapter authorizes the Department of Transportation to allow or pay anything to any county, township, city, or town, or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by the county, township, city, or town, unless a contract has already been entered into with the Department of Transportation.

- (3) To provide for such road materials as may be necessary to carry on the work of the Department of Transportation, either by gift, purchase, or condemnation. When any person, firm, or corporation owning a deposit of sand, gravel, or other material necessary for the construction of the system of State highways has entered into a contract to furnish the Department of Transportation any of such material, at a price to be fixed by the Department of Transportation, thereafter the Department of Transportation may condemn the necessary right-of-way under Article 9 of this Chapter, to connect the deposit with any part of the system of State highways or public carrier. Easements to material deposits condemned under this Article shall not become a public road and the condemned easement shall be returned to the owner as soon as the deposits are exhausted or abandoned by the Department of Transportation.
- (4) To enforce by mandamus or other proper legal remedies all legal rights or causes of action of the Department of Transportation with other public bodies, corporations, or persons.
- (5) To make rules, regulations, and ordinances for the use of, and to police traffic on, the State highways, and to prevent their abuse by individuals, corporations, and public corporations, by trucks, tractors, trailers, or other heavy or destructive vehicles or machinery, or by any other means whatsoever, and to provide ample means for the enforcement of the rules, regulations, and ordinances. The violation of any of the rules, regulations, or ordinances so prescribed by the Department of Transportation constitutes a Class 1 misdemeanor. The Department of Transportation shall not make a rule, regulation, or ordinance that conflicts with any statute or any ordinance of incorporated cities or towns, except the Department of Transportation may regulate parking upon any street which forms a link in the State highway system, if the street is maintained with State highway funds.
- (6) To establish a traffic census to secure information about the relative use, cost, value, importance, and necessity of roads forming a part of the State highway

system, which information shall be a part of the public records of the State, and upon which information the Department of Transportation shall, after due deliberation and in accordance with these established facts, proceed to order the construction of the particular highway or highways.

- (7) To assume full and exclusive responsibility for the maintenance of all roads other than streets in towns and cities, forming a part of the State highway system from the date of acquiring the roads. The Department of Transportation may maintain all streets constructed by the Department of Transportation in towns of less than 3,000 population by the last census, and such other streets as may be constructed in towns and cities at the expense of the Department of Transportation, whenever in the opinion of the Department of Transportation it is necessary and proper so to do.
- (8) To give suitable names to State highways and change the names as determined by the Board of Transportation of any highways that shall become a part of the State system of highways.
- (9) To employ appropriate means for properly selecting, planting, and protecting acceptable trees, shrubs, vines, grasses, or legumes in the highway right-of-way in the promotion of erosion control, landscaping, and general protection of the highways; to acquire by gift or otherwise land for and to construct, operate, and maintain roadside parks, picnic areas, picnic tables, scenic overlooks, and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies, and individuals in the furtherance of those objectives. For purposes of this subdivision, the term "acceptable" means plants the Department of Transportation determines will maintain a stable and aesthetic roadside, with a strong preference for using plants the U.S. Department of Agriculture has classified as native to North Carolina. None of the roadside parks, picnic areas, picnic tables, scenic overlooks, or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except for any of the following:
  - a. Materials displayed in welcome centers in accordance with G.S. 136-89.56.
  - b. Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind of the Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed.
  - c. Activities permitted by a local government pursuant to an ordinance meeting the requirements of G.S. 136-27.4.Every other use or attempted use of any of these areas for commercial purposes constitutes a Class 1 misdemeanor, and each day's use constitutes a separate offense.
- (10) **(Effective until January 1, 2021)** To make proper and reasonable rules, regulations, and ordinances for the placing or erection of telephone, telegraph,

electric, and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the highways or in any way interfere with the highways, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric, or other lines, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change them to conform to the order of the Department of Transportation. Any violation of these rules and regulations or noncompliance with these orders constitutes a Class 1 misdemeanor. For purposes of this subdivision, "wireless facilities" has the definition set forth in G.S. 160A-400.51.

- (10) **(Effective January 1, 2021)** To make proper and reasonable rules, regulations, and ordinances for the placing or erection of telephone, telegraph, electric, and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the highways or in any way interfere with the highways, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric, or other lines, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change them to conform to the order of the Department of Transportation. Any violation of these rules and regulations or noncompliance with these orders constitutes a Class 1 misdemeanor. For purposes of this subdivision, "wireless facilities" has the definition set forth in G.S. 160D-931.
- (11) To regulate, abandon, and close to use grade crossings on any road designated as part of the State highway system, and whenever a public highway has been designated as part of the State highway system and the Department of Transportation, in order to avoid a grade crossing or crossings with a railroad or railroads, continues or constructs the road on one side of the railroad or railroads, the Department of Transportation may abandon and close to use the grade crossings; and whenever an underpass or overhead bridge is substituted for a grade crossing, the Department of Transportation may close to use and abandon the grade crossing and any other adjacent crossing.
- (12) To comply fully with the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240, 105 Stat. 1914 (1991), as amended, and all other federal aid acts and programs the Department is authorized to administer. The Department of Transportation may enter into all contracts and agreements with the United States government relating to survey, construction, improvement and maintenance of roads, urban area traffic operations studies, and improvement projects on the streets on the State

highway system and on the municipal system in urban areas, under the provisions of the present or future congressional enactments, to submit such scheme or program of construction or improvement and maintenance as may be required by the Secretary of Transportation or otherwise provided by federal acts, and to do all other acts necessary to carry out fully the cooperation contemplated and provided for by present or future aid acts of Congress for the construction or improvement and maintenance of federal aid of State highways. The good faith and credit of the State are further pledged to make available funds necessary to meet the requirements of the acts of Congress, present or future, appropriating money to construct and improve rural post roads and apportioned to this State during each of the years for which federal funds are now or may hereafter be apportioned by the act or acts, to maintain the roads constructed or improved with the aid of funds so appropriated and to make adequate provisions for carrying out the construction and maintenance. The good faith and credit of the State are further pledged to maintain the roads now built with federal aid and hereafter to be built and to make adequate provisions for carrying out the maintenance. Upon request of the Department of Transportation and in order to enable it to meet the requirements of acts of Congress with respect to federal aid funds apportioned to the State of North Carolina, the State Treasurer may, with the approval of the Governor and Council of State, issue short term notes from time to time, and in anticipation of State highway revenue, and to be payable out of State highway revenue for such sums as may be necessary to enable the Department of Transportation to meet the requirements of the federal aid appropriations, but in no event shall the outstanding notes under the provisions of this section amount to more than two million dollars (\$2,000,000).

- (12a) To establish, administer, and receive federal funds for a transportation infrastructure banking program as authorized by the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, as amended, and the National Highway System Designation Act of 1995, Pub. L. 104-59, as amended. The Department of Transportation may apply for, receive, administer, and comply with all conditions and requirements related to federal financial assistance necessary to fund the infrastructure banking program. The infrastructure banking program established by the Department of Transportation may utilize federal and available State funds for the purpose of providing loans or other financial assistance to governmental units, including toll authorities, to finance the costs of transportation projects authorized by the federal aid acts referenced in this subdivision. Such loans or other financial assistance shall be subject to repayment and conditioned upon the establishment of such security and the payment of such fees and interest rates as the Department of Transportation may deem necessary. The Department of Transportation may apply a municipality's share of funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to ensure repayment of funds advanced under the infrastructure banking program. The Department of Transportation shall establish jointly, with the State Treasurer, a separate infrastructure banking account with necessary fiscal controls and accounting

procedures. Funds credited to this account shall not revert, and interest and other investment income shall accrue to the account and may be used to provide loans and other financial assistance as provided under this subdivision. The Department of Transportation may establish such rules and policies as are necessary to establish and administer the infrastructure banking program. The infrastructure banking program authorized under this subdivision shall not modify the formula for the distribution of funds established by G.S. 136-189.11. Governmental units may apply for loans and execute debt instruments payable to the State in order to obtain loans or other financial assistance provided for in this subdivision. The Department of Transportation shall require that applicants pledge as security for the obligations revenues derived from operation of the benefited facilities or systems, other sources of revenue, or their faith and credit, or any combination thereof. The faith and credit of the governmental units shall not be pledged or be deemed to have been pledged unless the requirements of Article 4 of Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this subdivision. The Local Government Commission shall develop and adopt appropriate procedures for the delivery of debt instruments to the State without any public bidding therefor. The Local Government Commission shall review and approve proposed loans to applicants pursuant to this subdivision under the provisions of Articles 4 and 5 of Chapter 159 of the General Statutes, as if the issuance of bonds was proposed, so far as those provisions are applicable. Loans authorized by this subdivision are outstanding debt for the purpose of Article 10 of Chapter 159 of the General Statutes.

- (12b) To issue "GARVEE" bonds (Grant Anticipation Revenue Vehicles) or other eligible debt-financing instruments to finance federal-aid highway projects using federal funds to pay a portion of principal, interest, and related bond issuance costs, as authorized by 23 U.S.C. § 122, as amended (the National Highway System Designation Act of 1995, Pub. L. 104-59). These bonds shall be issued by the State Treasurer on behalf of the Department and shall be issued pursuant to an order adopted by the Council of State under G.S. 159-88. The State Treasurer shall develop and adopt appropriate debt instruments, consistent with the terms of the State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, for use under this subdivision. Prior to issuance of any "GARVEE" or other eligible debt instrument using federal funds to pay a portion of principal, interest, and related bond issuance costs, the State Treasurer shall determine (i) that the total outstanding principal of the debt does not exceed the total amount of federal transportation funds authorized to the State in the prior federal fiscal year; or (ii) that the maximum annual principal and interest of the debt does not exceed fifteen percent (15%) of the expected average annual federal revenue shown for the period in the most recently adopted Transportation Improvement Program. Notes issued under the provisions of this subdivision shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof, or a pledge of the full faith and credit of the State or of any political subdivision thereof, but shall be

payable solely from the funds and revenues pledged therefor. All the notes shall contain on their face a statement to the effect that the State of North Carolina is not obligated to pay the principal or the interest on the notes, except from the federal transportation fund revenues as shall be provided by the documents governing the revenue note issuance, and that neither the faith and credit nor the taxing power of the State of North Carolina or of any of its political subdivisions is pledged to the payment of the principal or interest on the notes. The issuance of notes under this Part does not directly or indirectly or contingently obligate the State or any of its political subdivisions to levy or to pledge any form of taxation whatever or to make any appropriation for their payment.

- (13) To construct and maintain all walkways and driveways within the Mansion Square in the City of Raleigh and the Western Residence of the Governor in the City of Asheville including the approaches connecting with the city streets, and any funds expended therefor shall be a charge against general maintenance.
- (14) To provide roads for the connection of airports in the State with the public highway system, and to mark the highways and erect signals along the highways for the guidance and protection of aircraft.
- (15) To provide facilities for the use of waterborne traffic and recreational uses by establishing connections between the highway system and the navigable and nonnavigable waters of the State by means of connecting roads and piers. The facilities for recreational purposes shall be funded from funds available for safety or enhancement purposes.
- (16) Pursuant to a resolution of the Board of Transportation, under the power of eminent domain and under the same procedure as provided for the acquirement of rights-of-way, to acquire title in fee simple to parcels of land for the purpose of exchanging the parcels of land for other real property to be used for the establishment of rights-of-way or for the widening of existing rights-of-way or the clearing of obstructions that, in the opinion of the Department of Transportation, constitute dangerous hazards at intersections. Real property may be acquired for these purposes only when the owner of the property needed by the Department of Transportation has agreed in writing to accept the property so acquired in exchange for that to be used by the Department of Transportation, and when, in the opinion of the Department of Transportation, an economy in the expenditure of public funds and the improvement and convenience and safety of the highway can be effected thereby.
- (17) The Department of Transportation shall maintain and keep in repair, sufficient to accommodate the public school buses, roads leading from the State-maintained public roads to all public schools and public school buildings to which children are transported on public school buses to and from their homes. The Department of Transportation may construct, pave, and maintain school bus driveways and sufficient parking facilities for the school buses at those schools. The Department of Transportation may construct, pave, and maintain all other driveways and entrances to the public schools leading from public roads not required in the preceding portion of this subdivision.

- (18) To cooperate with appropriate agencies of the United States in acquiring rights-of-way for and in the construction and maintenance of flight strips or emergency landing fields for aircraft adjacent to State highways.
- (19) To prohibit the erection of any informational, regulatory, or warning signs within the right-of-way of any highway project built within the corporate limits of any municipality in the State where the funds for the construction are derived in whole or in part from federal appropriations expended by the Department of Transportation, unless the signs have first been approved by the Department of Transportation.
- (20) To maintain and keep in repair a suitable way of ingress and egress to all public or church cemeteries or burial grounds in the State notwithstanding the fact that the road is not a part of the State-maintained system of roads. For the purpose of this subdivision a public or church cemetery or burial ground is defined as a cemetery or burial ground in which there are buried or permitted to be buried deceased persons of the community in which the cemetery or burial ground is located, but does not mean a privately owned cemetery operated for profit or family burial plots.
- (21) The Department of Transportation shall remove all dead animals from the traveled portion and rights-of-way of all primary and secondary roads and to dispose of the animals by burial or otherwise. In cases where there is evidence of ownership upon the body of any dead dog, the Department of Transportation shall take reasonable steps to notify the owner thereof by mail or other means.
- (22) No airport or aircraft landing area shall be constructed or altered where the construction or alteration when undertaken or completed may reasonably affect motor vehicle operation and safety on adjoining public roads except in accordance with a written permit from the Department of Transportation or its duly authorized officers. The Department of Transportation may regulate airport and aircraft landing area construction and alteration in order to preserve safe clearances between highways and airways and the Department of Transportation may make rules, regulations, and ordinances for the preservation of safe clearances between highways and airways. The Department of Transportation is responsible for determining safe clearances and shall fix standards for this determination which shall not exceed the standards adopted for similar purposes by the United States Bureau of Public Roads under the Federal Aid Highway Act of 1958. Any person, firm, corporation, or airport authority constructing or altering an airport or aircraft landing area without obtaining a written permit as provided in this subdivision, or not in compliance with the terms of the permit, or violating the provisions of the rules, regulations, or ordinances promulgated under the authority of this section is guilty of a Class 1 misdemeanor. This subdivision does not apply to publicly owned and operated airports and aircraft landing areas receiving federal funds and subject to regulation by the Federal Aviation Authority.
- (23) When in the opinion of the Department of Transportation an economy in the expenditure of public funds can be effected thereby, the Department of Transportation may enter into agreements with adjoining states regarding the planning, location, engineering, right-of-way acquisition, and construction of



roads and bridges connecting the North Carolina State highway system with public roads in adjoining states, and the Department of Transportation may do planning, surveying, locating, engineering, right-of-way acquisition, and construction on short segments of roads and bridges in adjoining states with the cost of the work to be reimbursed by the adjoining state, and may also enter into agreements with adjoining states providing for the performance of and reimbursement to the adjoining state of the cost of the work done within this State by the adjoining state. The Department of Transportation shall retain the right to approve any contract for work to be done in this State by an adjoining state for which the adjoining state is to be reimbursed.

- (24) To pave driveways leading from State-maintained roads to rural fire district firehouses which are approved by the North Carolina Fire Insurance Rating Bureau and to facilities of rescue squads furnishing ambulance services which are approved by the North Carolina State Association of Rescue Squads, Inc.
- (25) The Department of Transportation shall design, construct, repair, and maintain paved streets and roads upon the campus of each of the State's institutions of higher education, at State-owned hospitals for the treatment of tuberculosis, State-owned orthopedic hospitals, juvenile correction centers, mental health hospitals and developmental centers, schools for the deaf, and schools for the blind, when such construction, maintenance, or repairs have been authorized by the General Assembly in the appropriations bills enacted by the General Assembly. Cost for the construction, maintenance, and repairs shall be borne by the Highway Fund. Upon the General Assembly authorizing the construction, repair, or maintenance of a paved road or drive upon any of the institutions listed in this subdivision, the Department of Transportation shall give the project priority to ensure that it shall be accomplished as soon as feasible, at the minimum cost to the State, and in any event during the biennium for which the authorization has been given by the General Assembly.
- (26) The Department of Transportation, at the request of a representative from a board of county commissioners, may acquire by condemnation new or additional right-of-way to construct, pave, or otherwise improve a designated State-maintained secondary road upon presentation by the board to the Department of Transportation of a duly verified copy of the minutes of its meeting showing approval of the request by a majority of its members and by the further presentation of a petition requesting the improvement executed by the abutting owners whose frontage on the secondary road equals or exceeds seventy-five percent (75%) of the linear front footage along the secondary road sought to be improved. This subdivision does not limit the authority of the Department of Transportation to exercise the power of eminent domain.
- (27) To establish policies and promulgate rules providing for voluntary local government, property owner, or highway user participation in the costs of maintenance or improvement of roads which would not otherwise be necessary or would not otherwise be performed by the Department of Transportation and which will result in a benefit to the property owner or highway user. By way of illustration and not as a limitation, these costs include those incurred in connection with drainage improvements or maintenance, driveway

connections, dust control on unpaved roads, surfacing or paving of roads and the acquisition of rights-of-way. Local government, property owner, and highway user participation can be in the form of materials, money, or land (for right-of-way) as deemed appropriate by the Department of Transportation. The authority of this section shall not be used to authorize, construct, or maintain toll roads or bridges.

- (28) To obtain land, either by gift, lease, or purchase, which shall be used for the construction and maintenance of ridesharing parking lots. The Department may design, construct, repair, and maintain ridesharing parking facilities.
- (29) To establish policies and adopt rules about the size, location, direction of traffic flow, and the construction of driveway connections into any street or highway which is a part of the State Highway System. The Department of Transportation may require the construction and public dedication of acceleration and deceleration lanes, and traffic storage lanes and medians by others for the driveway connections into any United States route, or North Carolina route, and on any secondary road route with an average daily traffic volume of 4,000 vehicles per day or more.
- (29a) To coordinate with all public and private entities planning schools to provide written recommendations and evaluations of driveway access and traffic operational and safety impacts on the State highway system resulting from the development of the proposed sites. All public and private entities shall, upon acquiring land for a new school or prior to beginning construction of a new school, relocating a school, or expanding an existing school, request from the Department a written evaluation and written recommendations to ensure that all proposed access points comply with the criteria in the current North Carolina Department of Transportation "Policy on Street and Driveway Access." The Department shall provide the written evaluation and recommendations within a reasonable time, which shall not exceed 60 days. This subdivision applies to improvements that are not located on the school property. The Department has the power to grant final approval of any project design under this subdivision. To facilitate completion of the evaluation and recommendations within the required 60 days, in lieu of the evaluation by the Department, schools may engage an independent traffic engineer prequalified by the Department. The resulting evaluation and recommendations from the independent traffic engineer shall also fulfill any similar requirements imposed by a unit of local government. This subdivision does not require the public or private entities planning schools to meet the recommendations made by the Department or the independent traffic engineer, except those highway improvements that are required for safe ingress and egress to the State highway system, pursuant to subdivision (29) of this section, and that are physically connected to a driveway on the school property. The total cost of any improvements to the State highway system provided by a school pursuant to this subdivision, including those improvements pursuant to subdivision (29) of this section, shall be reimbursed by the Department. Any agreement between a school and the Department to make improvements to the State highway system shall not include a requirement for acquisition of right-of-way by the school, unless the school is

owned by an entity that has eminent domain power. Nothing in this subdivision precludes the Department from entering into an agreement with the school whereby the school installs the agreed upon improvements and the Department provides full reimbursement for the associated costs incurred by the school, including design fees and any costs of right-of-way or easements. The term "school," as used in this subdivision, means any facility engaged in the educational instruction of children in any grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law and includes charter schools authorized under G.S. 115C-218.5. The term "improvements," as used in this subdivision, refers to all facilities within the right-of-way required to be installed to satisfy the road cross-section requirements depicted upon the approved plans. These facilities include roadway construction, including pavement installation and medians; ditches and shoulders; storm drainage pipes, culverts, and related appurtenances; and, where required, curb and gutter; signals, including pedestrian safety signals; street lights; sidewalks; and design fees. Improvements do not include any costs for public utilities.

- (29b) The Department of Transportation shall consider exceptions to the sight distance requirement for driveway locations in instances where the curves of the road are close and frequent. Exceptions shall be granted in instances where sufficient sight distance can be provided or established through other means such as advisory speed signs, convex mirrors, and advanced warning signs. When appropriate, the Department shall consider lowering the speed limit on the relevant portion of the road. The Department may require a driveway permit applicant to cover the cost of installing the appropriate signage around the driveway, including speed limit reduction and driveway warning signs, and may also require the applicant to install and maintain convex or other mirrors to increase the safety around the driveway location.

This subdivision applies only to sections of roadway where the minimum sight distance as defined in the published "Policy on Street and Driveway Access to North Carolina Highways" is not available for a proposed driveway.

- (30) Consistent with G.S. 130A-309.14(a1), the Department of Transportation shall review and revise its bid procedures and specifications set forth in this Chapter to encourage the purchase or use of reusable, refillable, repairable, more durable, and less toxic supplies and products. The Department of Transportation shall require the purchase or use of these supplies and products in the construction and maintenance of highways and bridges to the extent that the use is practicable and cost-effective. The Department shall prepare an annual report on October 1 of each year to the Environmental Review Commission as required under G.S. 130A-309.14(a1).
- (31) To designate portions of highways as scenic highways, and combinations of portions of highways as scenic byways, for portions of those highways that possess unusual, exceptional, or distinctive scenic, recreational, historical, educational, scientific, geological, natural, wildlife, cultural, or ethnic features. The Department shall remove, upon application, from any existing or future

scenic highway or scenic byway designation, highway sections that meet all of the following:

- a. Have no scenic value.
- b. Have been designated or would be so designated solely to preserve system continuity.
- c. Are adjacent to property on which is located one or more permanent structures devoted to a commercial or industrial activity and on which a commercial or industrial activity is actually conducted, in an unzoned area or an area zoned commercial or industrial pursuant to a State or local zoning ordinance or regulation, except for commercial activity related to tourism or recreation.

The Department shall adopt rules and regulations setting forth the criteria and procedures for the designation of scenic highways and scenic byways under this subdivision.

Those portions of highways designated as scenic by the Department prior to July 1, 1993, are considered to be designated as scenic highways and scenic byways under this subdivision, but the Department shall remove from this designation portions of those highway sections that meet the criteria set forth in this subdivision, if requested.

- (32) To perform dredging services, on a cost reimbursement basis, for a unit of local government if the unit cannot obtain the services from a private company at a reasonable cost. A unit of local government is considered to be unable to obtain dredging services at a reasonable cost if it solicits bids for the dredging services in accordance with Article 8 of Chapter 143 of the General Statutes and does not receive a bid, considered by the Department of Transportation Engineering Staff, to be reasonable.
- (33) The Department of Transportation shall, from time to time, carefully examine into and inspect the condition of each railroad, its equipment and facilities, in regard to the safety and convenience of the public and the railroad employees. If the Department finds any equipment or facilities to be unsafe, it shall at once notify the railroad company and require the company to repair the equipment or facilities.
- (34) To conduct, in a manner consistent with federal law, a program of accident prevention and public safety covering all railroads and to investigate the cause of any railroad accident. In order to facilitate this program, any railroad involved in an accident that must be reported to the Federal Railroad Administration shall also notify the Department of Transportation of the occurrence of the accident.
- (35) To establish rural planning organizations, as provided in Article 17 of this Chapter.
- (36) The Department has the following powers related to fixed guideway public transportation system safety:
  - a. To oversee the safety of fixed guideway public transportation systems in the State not regulated by the Federal Railroad Administration, pursuant to 49 U.S.C. § 5329 and 49 U.S.C. § 5330 and any reauthorizations of or amendments to those sections. The Department

shall adopt rules in conformance with 49 U.S.C. § 5329 and 49 U.S.C. § 5330 concerning its oversight of the safety of fixed guideway public transportation systems.

- b. The Department shall examine and inspect the condition of each rail fixed guideway public transportation system and its equipment and facilities for the purpose of ensuring the safety and convenience of the public and the rail fixed guideway public transportation system's employees. If the Department finds any equipment or facilities to be unsafe, it shall at once notify the rail fixed guideway public transportation system and require the rail fixed guideway public transportation system to repair the equipment or facilities.
  - c. To conduct, in a manner consistent with federal law, a program of accident prevention and public safety covering all rail fixed guideway public transportation systems and to investigate the cause of any rail fixed guideway public transportation system accident. In order to facilitate this program, any rail fixed guideway public transportation system involved in an accident meeting the reporting thresholds defined by the Department shall report the accident to the Department.
  - d. The Department shall review, approve, oversee, and enforce each rail fixed guideway public transportation system's implementation of the public transportation system safety plan required pursuant to 49 U.S.C. § 5329(d).
  - e. The Department shall audit, at least once triennially, each rail fixed guideway public transportation system's compliance with the public transportation agency safety plan required pursuant to 49 U.S.C. § 5329(d).
  - f. The Department shall provide, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems overseen by the Department to the Federal Transit Administration, the Governor, and the Board of Directors, or equivalent entity, of any rail fixed guideway public transportation system the Department oversees.
  - g. The Department shall not receive funding for the activities authorized by sub-subdivisions a. through f. of this subdivision from any rail fixed guideway public transportation systems subject to the Department's authority pursuant to sub-subdivisions a. through f. of this subdivision.
- (37) To permit use of and encroachment upon the right-of-way of a State highway or road for the purpose of construction and maintenance of a bridge owned by a private or public entity, if the bridge does not unreasonably interfere with or obstruct the public use of the right-of-way. Any agreement for an encroachment authorized by this subdivision shall be approved by the Board of Transportation, upon a finding that the encroachment is necessary and appropriate, in the sole discretion of the Board. Locations, plans, and specifications for any pedestrian or vehicular bridge authorized by the Board for construction pursuant to this subdivision shall be approved by the Department of Transportation. For any bridge subject to this subdivision, the Department shall retain the right to reject any plans, specifications, or materials

used or proposed to be used, inspect and approve all materials to be used, inspect the construction, maintenance, or repair, and require the replacement, reconstruction, repair, or demolition of any partially or wholly completed bridge that, in the sole discretion of the Department, is unsafe or substandard in design or construction. An encroachment agreement authorized by this subdivision may include a requirement to purchase and maintain liability insurance in an amount determined by the Department of Transportation. The Department shall ensure that any bridge constructed pursuant to this subdivision is regularly inspected for safety. The owner shall have the bridge inspected every two years by a qualified private engineering firm based on National Bridge Inspection Standards and shall provide the Department copies of the bridge inspection reports where they shall be kept on file. Any bridge authorized and constructed pursuant to this subdivision is subject to all other rules and conditions of the Department of Transportation for encroachments.

- (38) To enter into agreements with municipalities, counties, governmental entities, or nonprofit corporations to receive funds for the purposes of advancing right-of-way acquisition or the construction schedule of a project identified in the Transportation Improvement Program. If these funds are subject to repayment by the Department, prior to receipt of funds, reimbursement of all funds received by the Department shall be shown in the existing Transportation Improvement Program and shall be reimbursed within the period of the existing Transportation Improvement Program.
- (39) To enter into partnership agreements with private entities, and authorized political subdivisions to finance, by tolls, contracts, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating transportation infrastructure in this State, and to plan, design, develop, acquire, construct, equip, maintain, and operate transportation infrastructure in this State. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation. The Department shall report to the Chairs of the Joint Legislative Transportation Oversight Committee, the Chairs of the House of Representatives Appropriations Committee on Transportation, and the Chairs of the Senate Appropriations Committee on the Department of Transportation, at the same time it notifies the Board of Transportation of any proposed agreement under this subdivision. No contract for transportation infrastructure subject to an agreement under this subdivision that commits the Department to make nonretainage payments for undisputed capital costs of a completed transportation infrastructure to be made later than 18 months after final acceptance by the Department of the transportation infrastructure shall be executed without approval of the Local Government Commission. Any contracts for construction of highways, roads, streets, and bridges which are awarded pursuant to an agreement entered into under this section shall comply with the competitive bidding requirements of Article 2 of this Chapter.
- (39a) a. The Department of Transportation or Turnpike Authority, as applicable, may enter into up to three agreements with a private entity as provided

under subdivision (39) of this section for which the provisions of this section apply.

- b. A private entity or its contractors must provide performance and payment security in the form and in the amount determined by the Department of Transportation. The form of the performance and payment security may consist of bonds, letters of credit, parent guaranties, or other instruments acceptable to the Department of Transportation.
- c. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement entered into under this subdivision may allow the private entity to assign, transfer, sell, hypothecate, and otherwise convey some or all of its right, title, and interest in and to the agreement, and any rights and remedies thereunder, to a lender, bondholder, or any other party. However, in no event shall any such assignment create additional debt or debt-like obligations of the State of North Carolina, the Department, or any other agency, authority, commission, or similar subdivision of the State to any lender, bondholder, entity purchasing a participation in the right to receive the payment, trustee, trust, or any other party providing financing or funding of projects described in this section. This sub-subdivision does not preclude the Department from making any payments due and owing pursuant to an agreement entered into under this section.
- d. Article 6H of this Chapter applies to the Department of Transportation and to projects undertaken by the Department of Transportation under subdivision (39) of this section. The Department may assign its authority under that Article to fix, revise, charge, retain, enforce, and collect tolls and fees to the private entity.
- e. Any contract under this subdivision or under Article 6H of this Chapter for the development, construction, maintenance, or operation of a project shall provide for revenue sharing, if applicable, between the private party and the Department, and revenues derived from the project may be used as set forth in G.S. 136-89.188(a), notwithstanding the provisions of G.S. 136-89.188(d). Excess toll revenues from a Turnpike Project shall be used for the funding or financing of transportation projects within the corridor where the Turnpike Project is located. For purposes of this subdivision, the term "excess toll revenues" means those toll revenues derived from a Turnpike Project that are not otherwise used or allocated to the Authority or a private entity pursuant to this subdivision, notwithstanding the provisions of G.S. 136-89.188(d). For purposes of this subdivision, the term "corridor" means (i) the right-of-way limits of the Turnpike Project and any facilities related to the Turnpike Project or any facility or improvement necessary for the use, design, construction, operation, maintenance, repair, rehabilitation, reconstruction, or financing of a Turnpike Project; (ii) the right-of-way limits of any subsequent improvements, additions, or extension to the Turnpike Project and facilities related to the Turnpike

projects, including any improvements necessary for the use, design, construction, operation, maintenance, repair, rehabilitation, reconstruction, or financing of those subsequent improvements, additions, or extensions to the Turnpike Project; and (iii) roads used for ingress or egress to the toll facility or roads that intersect with the toll facility, whether by ramps or separated grade facility, and located within one mile in any direction.

f. Agreements entered into under this subdivision shall comply with the following additional provisions:

1. The Department shall solicit proposals for agreements.
2. The agreement shall be limited to no more than 50 years from the date of the beginning of operations on the toll facility.
3. Notwithstanding the provisions of G.S. 136-89.183(a)(5), all initial tolls or fees to be charged by a private entity shall be reviewed by the Turnpike Authority Board. Prior to setting toll rates, either a set rate or a minimum and maximum rate set by the private entity, the private entity shall hold a public hearing on the toll rates, including an explanation of the toll setting methodology, in accordance with guidelines for the hearing developed by the Department. After tolls go into effect, the private entity shall report to the Turnpike Authority Board 30 days prior to any increase in toll rates or change in the toll setting methodology by the private entity from the previous toll rates or toll setting methodology last reported to the Turnpike Authority Board.
4. Financial advisors and attorneys retained by the Department on contract to work on projects pursuant to this subsection are subject to State law governing conflicts of interest.
5. 60 days prior to the signing of a concession agreement subject to this subdivision, the Department shall report to the Joint Legislative Transportation Oversight Committee on the following for the presumptive concessionaire:
  - I. Project description.
  - II. Number of years that tolls will be in place.
  - III. Name and location of firms and parent companies, if applicable, including firm responsibility and stake, and assessment of audited financial statements.
  - IV. Analysis of firm selection criteria.
  - V. Name of any firm or individual under contract to provide counsel or financial analysis to the Department or Authority. The Department shall disclose payments to these contractors related to completing the agreement under this subdivision.
  - VI. Demonstrated ability of the project team to deliver the project, by evidence of the project team's prior experience in delivering a project on schedule and



budget, and disclosure of any unfavorable outcomes on prior projects.

VII. Detailed description of method of finance, including sources of funds, State contribution amounts, including schedule of availability payments and terms of debt payments.

VIII. Information on assignment of risk shared or assigned to State and private partner.

IX. Information on the feasibility of finance as obtained in traffic and revenue studies.

6. The Turnpike Authority annual report under G.S. 136-89.193 shall include reporting on all revenue collections associated with projects subject to this subdivision under the Turnpike Authority.

7. The Department shall develop standards for entering into comprehensive agreements with private entities under the authority of this subdivision and report those standards to the Joint Legislative Transportation Oversight Committee on or before October 1, 2013.

(40) To expand public access to coastal waters in its road project planning and construction programs. The Department shall work with the Wildlife Resources Commission, other State agencies, and other government entities to address public access to coastal waters along the roadways, bridges, and other transportation infrastructure owned or maintained by the Department. The Department shall adhere to all applicable design standards and guidelines in implementation of this enhanced access.

(41) The Department shall, prior to the beginning of construction, determine whether all sidewalks and other facilities primarily intended for the use of pedestrians and bicycles that are to be constructed within the right-of-way of a public street or highway that is a part of the State highway system or an urban highway system must be constructed of permeable pavement. "Permeable pavement" means paving material that absorbs water or allows water to infiltrate through the paving material. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, porous asphalt, and any other material with similar characteristics. Compacted gravel shall not be considered permeable pavement.

(42) The Department shall develop and utilize a process for selection of transportation projects that is based on professional standards in order to most efficiently use limited resources to benefit all citizens of the State. The strategic prioritization process should be a systematic, data-driven process that includes a combination of quantitative data, qualitative input, and multimodal characteristics, and should include local input. The Department shall develop a process for standardizing or approving local methodology used in Metropolitan Planning Organization and Rural Transportation Planning Organization prioritization.

- (43) For the purposes of financing an agreement under subdivision (39a) or (46) of this section, the Department of Transportation may act as a conduit issuer for private activity bonds to the extent the bonds do not constitute a debt obligation of the State. The issuance of private activity bonds under this subdivision and any related actions is governed by the State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, with G.S. 159-88 satisfied by adherence to the requirements of subdivision (39a) or (46) of this section.
- (44) To contract for sponsorship arrangements for Department operations and may solicit contracts for these arrangements pursuant to Article 2 of this Chapter. All amounts collected and all savings realized as a result of these sponsorship arrangements shall be used by the Department toward funding of maintenance activities.
- (44a) Where the Department owns or leases the passenger rail facility, owns or leases the rail equipment, or holds leasehold or license rights for the purpose of operating passenger stations, the Department may operate or contract for the following receipt-generating activities and use the proceeds to fund passenger rail operations:
  - a. Where the Department owns the passenger rail facility or owns or leases the rail equipment, operation of concessions on State-funded passenger trains and at passenger rail facilities to provide to passengers food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the passenger rail system.
  - b. Where the Department holds leasehold or license rights for the purpose of operating passenger stations, operation of concessions at rail passenger facilities to provide food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the passenger rail system, in accordance with the terms of the leasehold or license.
  - c. Advertising on or within the Department's passenger rail equipment or facility, including display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
  - d. The sale of naming rights to Department-owned passenger rail equipment or facilities.
- (45) The Department shall not transfer ownership of a State-owned concrete arch bridge to any public, private, or nonprofit entity as part of any bridge relocation or reuse program project unless the entity assumes all liability associated with the bridge and posts a bond or other financial assurance acceptable to the Department to cover the present value of future maintenance costs, as well as any right-of-way or other additional costs if the bridge transfer would require the Department to change the planned route of any replacement structure.
- (46) To enter into partnership agreements with private entities to finance, by contracts, revenues of facilities, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating communications infrastructure supporting transportation infrastructure on the

Interstate System as defined by Title 23, United States Code, Section 103(c) in this State, and to plan, design, develop, acquire, construct, equip, maintain, and operate communications infrastructure supporting transportation infrastructure within this State. For the purposes of this subdivision, communications infrastructure supporting transportation infrastructure means fiber optic trunk lines, microcell towers or other broadband or data transmission facilities located within the right-of-way of the interstate or primary highway system that is owned, and utilized completely or partly, by the Department for traffic management, highway safety, vehicle technology integration, and other functions of the Department. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation. The Department shall report to the Chairs of the Joint Legislative Transportation Oversight Committee, the Chairs of the House of Representatives Appropriations Subcommittee on Transportation, and the Chairs of the Senate Appropriations Committee on the Department of Transportation, at the same time it notifies the Board of Transportation of any proposed agreement under this subdivision. No contract for communications infrastructure supporting transportation infrastructure subject to such an agreement that commits the Department to make nonretainage payments for undisputed capital costs for communications infrastructure supporting transportation infrastructure to be made later than 18 months after final acceptance by the Department shall be executed without approval of the Local Government Commission. Any contracts for communications infrastructure supporting transportation infrastructure which are awarded pursuant to an agreement entered into under this subdivision shall comply with the competitive bidding requirements of this Article. The Department may enter into agreements with one or more private entities under this subdivision as follows:

- a. A private entity or its contractors must provide performance and payment security in the form of performance and payment bonds on the design and construction portion of the agreement as required under G.S. 44A-26.
- b. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement entered into under this subdivision may allow the private entity to assign, transfer, sell, hypothecate, and otherwise convey some or all of its right, title, and interest in and to such agreement, and any rights and remedies thereunder, to a lender, bondholder, or any other party. However, in no event shall any such assignment create additional debt or debt-like obligations of the State of North Carolina, the Department, or any other agency, authority, commission, or similar subdivision of the State to any lender, bondholder, entity purchasing a participation in the right to receive the payment, trustee, trust, or any other party providing financing or funding of projects described in this subdivision. The foregoing shall not preclude the Department from making any payments due and owing pursuant to an agreement entered into under this subdivision.

- c. An agreement entered into under this subdivision for communications infrastructure supporting transportation infrastructure may provide that private entities may commercialize the capacity of such communications infrastructure in excess of the Department's need through lease or other arrangements, with the Department having first right of refusal for future anticipated capacity needs.
- d. No agreement entered into under this subdivision for use of Department right-of-way or communications infrastructure and its facilities shall abrogate the Department's ownership and control of the right-of-way or communications infrastructure and its facilities within the right-of-way.
- e. Agreements entered into under this subdivision shall comply with the following additional provisions:
  - 1. The Department shall solicit proposals for an agreement.
  - 2. An agreement shall be limited to no more than 50 years from the date the communications infrastructure becomes operational and utilized by the Department.
  - 3. Financial advisors and attorneys retained by the Department on contract to work on projects pursuant to this subdivision shall be subject to State law governing conflicts of interest.
  - 4. Sixty days prior to the signing of a concession agreement subject to this subdivision, the Department shall report to the Joint Legislative Transportation Oversight Committee on the following for the presumptive concessionaire:
    - I. Project description.
    - II. Name and location of firms and parent companies, if applicable, including firm responsibility and stake, and assessment of audited financial statements.
    - III. Analysis of firm selection criteria.
    - IV. Name of any firm or individual under contract to provide counsel or financial analysis to the Department. The Department shall disclose payments to these contractors related to completing the agreement under this subdivision.
    - V. Demonstrated ability of the project team to deliver the project, by evidence of the project team's prior experience in delivering a project on schedule and budget, and disclosure of any unfavorable outcomes on prior projects.
    - VI. Detailed description of method of finance, including sources of funds, State contribution amounts, including schedule of availability payments, service payments or similar remuneration, and terms of debt payments.
    - VII. Information on assignment of risk shared or assigned to the Department, the State, and private entity partner.
    - VIII. Information on the feasibility of finance. (1921, c. 2, s. 10; 1923, c. 160, s. 1; c. 247; C.S., s. 3846(j); 1929, c.

138, s. 1; 1931, c. 145, ss. 21, 25; 1933, c. 172; c. 517, c. 1; 1935, c. 213, s. 1; c. 301; 1937, c. 297, s. 2; c. 407, s. 80; 1941, c. 47; c. 217, s. 6; 1943, c. 410; 1945, c. 842; 1951, c. 372; 1953, c. 437; 1957, c. 65, s. 11; c. 349, s. 9; 1959, c. 557; 1963, cc. 520, 1155; 1965, c. 879, s. 1; 1967, c. 1129; 1969, c. 794, s. 2; 1971, cc. 289, 291, 292, 977; 1973, c. 507, s. 5; 1977, c. 460, ss. 1, 2; c. 464, ss. 7.1, 14, 42; 1981, c. 682, s. 19; 1983, c. 84; c. 102; 1985, c. 718, ss. 1, 6; 1987, c. 311; c. 417, ss. 1, 2; 1989, c. 158; 1989 (Reg. Sess. 1990), c. 962, s. 1; 1993, c. 197, s. 2; c. 488, s. 1; c. 524, s. 4; c. 539, ss. 974-977; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 247, s. 1; c. 507, s. 18.2; 1995 (Reg. Sess., 1996), c. 673, s. 4; 1996, 2nd Ex. Sess., c. 18, s. 19.10(a); 1997-428, s. 1; 1997-443, s. 11A.118(a); 2000-123, s. 1; 2000-140, s. 102; 2001-424, s. 27.27; 2003-184, s. 1; 2003-267, s. 1; 2004-168, s. 1; 2005-403, s. 2; 2006-230, s. 1(a); 2007-428, s. 1; 2007-439, s. 1; 2007-485, s. 3.1; 2008-164, s. 1; 2008-180, ss. 2, 8; 2009-266, s. 6; 2009-451, s. 25.6(a); 2010-97, s. 14; 2010-165, ss. 4, 4(a), 5-8; 2012-84, s. 2; 2012-184, s. 1; 2013-137, ss. 1, 2; 2013-183, ss. 4.2, 5.2; 2013-266, s. 1; 2014-58, ss. 9, 13; 2014-100, s. 34.27; 2014-115, s. 56.2; 2015-241, s. 29.22(a); 2016-90, s. 2(a); 2017-57, s. 34.6A(a); 2017-159, s. 3(a); 2017-197, s. 7.5; 2019-76, s. 23; 2019-111, s. 2.5(o); 2019-148, s. 1; 2019-199, ss. 5(a), (b).)

### **§ 136-18.3. Location of garbage collection containers by counties and municipalities.**

- (a) The Department of Transportation is authorized to issue permits to counties and municipalities for the location of containers on rights-of-way of state-maintained highways for the collection of garbage. Such containers may be located on highway rights-of-way only when authorized in writing by the Chief Engineer in accordance with rules and regulations promulgated by the Department of Transportation. Such rules and regulations shall take into consideration the safety of travelers on the highway and the elimination of unsightly conditions and health hazards. Such containers shall not be located on fully controlled-access highways.
- (b) The provisions of G.S. 14-399, which make it a misdemeanor to place garbage on highway rights-of-way, shall not apply to persons placing garbage in containers in accordance with rules and regulations promulgated by the Department of Transportation.
- (c) The written authority granted by the Department of Transportation shall be no guarantee that the State system highway rights-of-way on which the containers are authorized to be located is owned by the Department of Transportation, and the issuance of such written authority shall be granted only when the county or municipality certifies that written permission to locate the refuse container has been obtained from the owner of the underlying fee if the owner can be determined and located.
- (d) Whenever any municipality or county fails to comply with the rules and regulations promulgated by the Department of Transportation or whenever they fail or refuse to comply with any order of

the Department of Transportation for the removal or change in the location of a container, then the permit of such county or municipality shall be revoked. The location of such garbage containers on highway rights-of-way after such order for removal or change is unauthorized and illegal; the Department of Transportation shall have the authority to remove such unauthorized or illegal containers and charge the expense of such removal to the county or municipality failing to comply with the order of the Department of Transportation. (1973, c. 1381; 1977, c. 464, s. 7.1; 2012-85, s. 5.)

#### **§ 136-18.4. Provision and marking of "pull-off" areas.**

The Department of Transportation is hereby authorized and directed (i) to provide as needed within its right-of-way, adjacent to long sections of two-lane primary highway having a steep uphill grade or numerous curves, areas on which buses, trucks and other slow-moving vehicles can pull over so that faster moving traffic may proceed unimpeded and (ii) to erect appropriate and adequate signs along such sections of highway and at the pull-off areas. A driver of a truck, bus, or other slow-moving vehicle who fails to use an area so provided and thereby impedes faster moving traffic following his vehicle shall be guilty of a Class 3 misdemeanor. (1975, c. 704; 1977, c. 464, s. 7.1; 1993, c. 539, s. 978; 1994, Ex. Sess., c. 24, s. 14(c).)

#### **§ 136-19. Acquisition of land and deposits of materials; condemnation proceedings; federal parkways.**

- (a) The Department of Transportation is vested with the power to acquire either in the nature of an appropriate easement or in fee simple such rights-of-way and title to such land, gravel, gravel beds or bars, sand, sand beds or bars, rock, stone, boulders, quarries, or quarry beds, lime or other earth or mineral deposits or formations, and such standing timber as it may deem necessary and suitable for transportation infrastructure construction, including road construction, maintenance, and repair, and the necessary approaches and ways through, and a sufficient amount of land surrounding and adjacent thereto, as it may determine to enable it to properly prosecute the work, by purchase, donation, or condemnation, in the manner hereinafter set out. If the Department of Transportation acquires by purchase, donation, or condemnation part of a tract of land in fee simple for highway right-of-way as authorized by this section and the Department of Transportation later determines that the property acquired for transportation infrastructure, including highway right-of-way, or a part of that property, is no longer needed for infrastructure right-of-way, then the Department shall give first consideration to any offer to purchase the property made by the former owner. The Department may refuse any offer that is less than the current market value of the property, as determined by the Department. Unless the Department acquired an entire lot, block, or tract of land belonging to the former owner, the former owner must own the remainder of the lot, block, or tract of land from which the property was acquired to receive first consideration by the Department of their offer to purchase the property.
- (b) Notwithstanding the provisions of subsection (a), if the Department acquires the property by condemnation and determines that the property or a part of that property is no longer needed for highway right-of-way or other transportation projects, the Department of Transportation may reconvey the property to the former owner upon payment by the former owner of the full price paid to the owner when the property was taken, the cost of any improvements, together with interest at the legal rate to the date when the decision was made to offer the return of the property.

Unless the Department acquired an entire lot, block, or tract of land belonging to the former owner, the former owner must own the remainder of the lot, block, or tract of land from which the property was acquired to purchase the property pursuant to this subsection.

- (c) The requirements of this section for reconveying property to the former owner, regardless of whether such property was acquired by purchase, donation, or condemnation, shall not apply to property acquired outside the right-of-way as an "uneconomic remnant" or "residue".
- (d) The Department of Transportation is also vested with the power to acquire such additional land alongside of the rights-of-way for transportation projects, including roads as in its opinion may be necessary and proper for the protection of the transportation projects, including roads and roadways, and such additional area as may be necessary as by it determined for approaches to and from such material and other requisite area as may be desired by it for working purposes. The Department of Transportation may, in its discretion, with the consent of the landowner, acquire in fee simple an entire lot, block or tract of land, if by so doing, the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for right-of-way purposes.
- (e) Notwithstanding any other provisions of law or eminent domain powers of utility companies, utility membership corporations, municipalities, counties, entities created by political subdivisions, or any combination thereof, and in order to prevent undue delay of highway projects because of utility conflicts, the Department of Transportation may condemn or acquire property in fee or appropriate easements necessary to provide transportation project rights-of-way for the relocation of utilities when required in the construction, reconstruction, or rehabilitation of a State transportation project. The Department of Transportation shall also have the authority, subject to the provisions of G.S. 136-19.5(a) and (b), to, in its discretion, acquire rights-of-way necessary for the present or future placement of utilities as described in G.S. 136-18(2).
- (f) Whenever the Department of Transportation and the owner or owners of the lands, materials, and timber required by the Department of Transportation to carry on the work as herein provided for, are unable to agree as to the price thereof, the Department of Transportation is hereby vested with the power to condemn the lands, materials, and timber and in so doing the ways, means, methods, and procedure of Article 9 of this Chapter shall be used by it exclusively.
- (g) The Department of Transportation shall have the same authority, under the same provisions of law provided for construction of State transportation projects, for acquirement of all rights-of-way and easements necessary to comply with the rules and regulations of the United States government for the construction of federal parkways and entrance roads to federal parks in the State of North Carolina. The acquirement of a total of 125 acres per mile of said parkways, including roadway and recreational, and scenic areas on either side thereof, shall be deemed a reasonable area for said purpose. The right-of-way acquired or appropriated may, at the option of the Department of Transportation, be a fee-simple title. The said Department of Transportation is hereby authorized to convey such title so acquired to the United States government, or its appropriate agency, free and clear of all claims for compensation. All compensation contracted to be paid or legally assessed shall be a valid claim against the Department of Transportation, payable out of the State Highway Fund. Any conveyance to the United States Department of Interior of land acquired as provided by this section shall contain a provision whereby the State of North Carolina shall retain concurrent jurisdiction over the areas conveyed. The Governor is further authorized to grant concurrent jurisdiction to lands already conveyed to the United States Department of Interior for parkways and entrances to parkways.

- (h) The action of the Department of Transportation heretofore taken in the acquirement of areas for the Blue Ridge Parkway in accordance with the rules and regulations of the United States government is hereby ratified and approved and declared to be a reasonable exercise of the discretion vested in the said Department of Transportation in furtherance of the public interest.
- (i) When areas have been tentatively designated by the United States government to be included within a parkway, but the final survey necessary for the filing of maps as provided in this section has not yet been made, no person shall cut or remove any timber from said areas pending the filing of said maps after receiving notice from the Department of Transportation that such area is under investigation; and any property owner who suffers loss by reason of the restraint upon his right to use the said timber pending such investigation shall be entitled to recover compensation from the Department of Transportation for the temporary appropriation of his property, in the event the same is not finally included within the appropriated area, and the provisions of this section may be enforced under the same law now applicable for the adjustment of compensation in the acquirement of rights-of-way on other property by the Department of Transportation. (1921, c. 2, s. 22; 1923, c. 160, s. 6; C.S., s. 3846(bb); 1931, c. 145, s. 23; 1933, c. 172, s. 17; 1935, c. 2; 1937, c. 42; 1949, c. 1115; 1953, c. 217; 1957, c. 65, s. 11; 1959, c. 1025, s. 1; cc. 1127, 1128; 1963, c. 638; 1971, c. 1105; 1973, c. 507, ss. 5, 11; 1977, c. 464, s. 7.1; 1989 (Reg. Sess., 1990), c. 962, s. 2; 1991 (Reg. Sess., 1992), c. 979, s. 1; 2009-266, s. 7.)

#### **§ 136-19.3. Acquisition of buildings.**

Where the right-of-way of a proposed highway or other transportation project necessitates the taking of a portion of a building or structure, the Department of Transportation may acquire, by condemnation or purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing said building or structure, upon a determination by the Department of Transportation based upon an affidavit of an independent real estate appraiser that the partial taking will substantially destroy the economic value or utility of the building or structure and (i) that an economy in the expenditure of public funds will be promoted thereby; or (ii) that it is not feasible to cut off a portion of the building without destroying the entire building; or (iii) that the convenience, safety or improvement of the transportation project will be promoted thereby; provided, nothing herein contained shall be deemed to give the Department of Transportation authority to condemn the underlying fee of the portion of any building or structure which lies outside the right-of-way of any existing or proposed transportation project, including a public road, street or highway. (1965, c. 660; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2009-266, s. 8.)

#### **§ 136-19.4. Registration of right-of-way plans.**

- (a) A copy of the cover sheet and plan and profile sheets of the final right-of-way plans for all Department of Transportation projects, on those projects for which plans are prepared, under which right-of-way or other interest in real property is acquired or access is controlled shall be certified by the Department of Transportation to the register of deeds of the county or counties within which the project is located. The Department shall certify said plan sheets to the register of deeds within two weeks from their formal approval by the Board of Transportation.
- (b) The copy of the plans certified to the register of deeds shall consist of a Xerox, photographic, or other permanent copy, except for plans electronically transmitted pursuant to subsection (b1) of



this section, and shall measure approximately 17 inches by 11 inches including no less than one and one-half inches binding space on the left-hand side.

- (b1) With the approval of the county in which the right-of-way plans are to be filed, the Department may transmit the plans electronically.
- (c) Notwithstanding any other provision in the law, upon receipt of said original certified copy of the right-of-way plans, the register of deeds shall record said right-of-way plans and place the same in a book maintained for that purpose, and the register of deeds shall maintain a cross-index to said right-of-way plans by number of road affected, if any, and by identification number. No probate before the clerk of the superior court shall be required.
- (d) If after the approval of said final right-of-way plans the Board of Transportation shall by resolution alter or amend said right-of-way or control of access, the Department of Transportation, within two weeks from the adoption by the Board of Transportation of said alteration or amendment, shall certify to the register of deeds in the county or counties within which the project is located a copy of the amended plan and profile sheets approved by the Board of Transportation and the register of deeds shall remove the original plan sheets and record the amended plan sheets in lieu thereof.
- (e) The register of deeds in each county shall collect a fee from the Department of Transportation for recording right-of-way plans and profile sheets in the amount set out in G.S. 161-10. (1967, c. 228, s. 1; 1969, c. 80, s. 13; 1973, c. 507, ss. 5, 12-15; 1975, c. 716, s. 7; 1977, c. 464, s. 7.1; 1999-422, s. 1; 2000-68, s. 1; 2001-390, s. 6.)

**§ 136-20. Elimination or safeguarding of grade crossings and inadequate underpasses or overpasses.**

- (a) Whenever any road or street forming a link in or a part of the State highway system, whether under construction or heretofore or hereafter constructed, shall cross or intersect any railroad at the same level or grade, or by an underpass or overpass, and in the opinion of the Secretary of Transportation such crossing is dangerous to the traveling public, or unreasonably interferes with or impedes traffic on said State highway, the Department of Transportation shall issue notice requiring the person or company operating such railroad to appear before the Secretary of Transportation, at his office in Raleigh, upon a day named, which shall not be less than 10 days or more than 20 days from the date of said notice, and show cause, if any it has, why such railroad company shall not be required to alter such crossing in such way as to remove such dangerous condition and to make such changes and improvements thereat as will safeguard and secure the safety and convenience of the traveling public thereafter. Such notice shall be served on such railroad company as is now provided by law for the service of summons on domestic corporations, and officers serving such notice shall receive the same fees as now provided by law for the service of such summons.
- (b) Upon the day named, the Secretary of Transportation shall hear said matter and shall determine whether such crossing is dangerous to public safety, or unreasonably interferes with traffic thereon. If he shall determine that said crossing is, or upon the completion of such highway will be, dangerous to public safety and its elimination or safeguarding is necessary for the proper protection of the traffic on said State highway, the Secretary of Transportation shall thereupon order the construction of an adequate underpass or overpass at said crossing or he may in his discretion order said railroad company to install and maintain gates, alarm signals or other approved safety devices if and when in the opinion of said Secretary of Transportation upon the hearing as aforesaid the public safety and convenience will be secured thereby. And said order shall specify that the cost of construction of such underpass or overpass or the installation of such safety device shall be

allocated between the railroad company and the Department of Transportation in the same ratio as the net benefits received by such railroad company from the project bear to the net benefits accruing to the public using the highway, and in no case shall the net benefit to any railroad company or companies be deemed to be more than ten percent (10%) of the total benefits resulting from the project. The Secretary of Transportation shall be responsible for determining the proportion of the benefits derived by the railroad company from the project, and shall fix standards for the determining of said benefits which shall be consistent with the standards adopted for similar purposes by the United States Bureau of Public Roads under the Federal-Aid Highway Act of 1944.

- (c) Upon the filing and issuance of the order as hereinbefore provided for requiring the construction of any underpass or overpass or the installation and maintenance of gates, alarm signals or other safety devices at any crossing upon the State highway system, it shall be the duty of the railroad company operating the railroad with which said public road or street intersects or crosses to construct such underpass or overpass or to install and maintain such safety device as may be required in said order. The work may be done and material furnished either by the railroad company or the Department of Transportation, as may be agreed upon, and the cost thereof shall be allocated and borne as set out in subsection (b) hereof. If the work is done and material furnished by the railroad company, an itemized statement of the total amount expended therefor shall, at the completion of the work, be furnished the Department of Transportation, and the Department of Transportation shall pay such amount to the railroad company as may be shown on such statement after deducting the amount for which the railroad company is responsible; and if the work is done by the Department of Transportation, an itemized statement of the total amount expended shall be furnished to the railroad company, and the railroad company shall pay to the Department of Transportation such part thereof as the railroad company may be responsible for as herein provided; such payment by the railroad company shall be under such rules and regulations and by such methods as the Department of Transportation may provide.
- (d) Within 60 days after the issuance of the order for construction of an underpass or overpass or the installation of other safety devices as herein provided for, the railroad company against which such order is issued shall submit to the Department of Transportation plans for such construction or installation, and within 10 days thereafter said Department of Transportation, through its chairman of the Department of Transportation, shall notify such railroad company of its approval of said plan or of such changes and amendments thereto as to it shall seem advisable. If such plans are not submitted to the Department of Transportation by said railroad company within 60 days as aforesaid, the chairman of the Department of Transportation shall have plans prepared and submit them to the railroad company. The railroad company shall within 10 days notify the chairman of the Department of Transportation of its approval of the said plans or shall have the right within such 10 days to suggest such changes and amendments in the plans so submitted by the chairman of the Department of Transportation as to it shall seem advisable. The plans so prepared and finally approved by the chairman of the Department of Transportation shall have the same force and effect, and said railroad company shall be charged with like liability, and said underpass or overpass shall be constructed or such safety device installed in accordance therewith, as if said plans had been originally prepared and submitted by said railroad company. If said railroad company shall fail or neglect to begin or complete the construction of said underpass or overpass, or the installation of such safety device, as required by the order of the Secretary of Transportation, said Secretary of Transportation is authorized and directed to prepare the necessary plans therefor, which plans shall have the same force and effect, and shall fix said railroad company with like

liability, as if said plans had been originally prepared and submitted by said railroad company, and the Department of Transportation shall proceed to construct said underpass or overpass or install such safety device in accordance therewith. An accurate account of the cost of said construction or installation shall be kept by the Department of Transportation and upon the completion of such work a statement of that portion thereof chargeable to such railroad company as set out in the order of the Department of Transportation shall be rendered said railroad company. Upon the failure or refusal of said company to pay the bill so rendered, the Department of Transportation shall recover the amount thereof by suit therefor against said company in the Superior Court of Wake County: Provided, that the payment by such railroad company of said proportionate part may be made under such rules and regulations and by such methods as the Department of Transportation may provide. If the Department of Transportation shall undertake to do the work, it shall not obstruct or impair the operation of the railroad and shall keep the roadbed and track safe for the operation of trains at every stage of work. If said railroad company shall construct such underpass or overpass or shall install such safety devices in accordance with the order of the Secretary of Transportation, the proportionate share of the cost thereof as set out in subsection (b) hereof shall upon the completion of said work be paid to the railroad company by the Department of Transportation. The Department of Transportation may inspect and check the expenditures for such construction or installation so made by the railroad company and an accurate account of the cost thereof shall upon the completion of said work be submitted to the Department of Transportation by the railroad company. If the Department of Transportation shall neglect or refuse to pay that portion of the cost of said construction or installation chargeable to it, the railroad company shall recover the amount thereof by suit therefor against the Department of Transportation in the Superior Court of Wake County.

- (e) If any railroad company so ordered by the Secretary of Transportation to construct an underpass or overpass or to install safety devices at grade crossings as hereinbefore provided for shall fail or refuse to comply with the order of the Secretary of Transportation requiring such construction or installation, said railroad company shall be guilty of a Class 3 misdemeanor and shall only be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) in the discretion of the court for each day such failure or refusal shall continue, each said day to constitute a separate offense.
- (f) The jurisdiction over and control of said grade crossings and safety devices upon the State highway system herein given the Department of Transportation shall be exclusive.
- (g) From any order or decision so made by the Secretary of Transportation the railroad company may appeal to the superior court of the county wherein is located the crossing affected by said order. Such appeal shall not defer or delay the construction of such underpass or overpass or the installation of such safety device as required by the order of the Secretary of Transportation, but the railroad company shall proceed to comply with such order in accordance with his terms. The action of the railroad company in complying with and carrying out such order pending said appeal shall not prejudice or affect the right or remedies of such railroad company on such appeal. Upon such appeal the court shall determine only whether the order of the Secretary of Transportation for such construction or installation is unreasonable and unnecessary for the protection of the traveling public and the apportionment of the cost to the extent hereinafter provided in this subsection, and if upon the hearing of said appeal it shall be determined that said order was unnecessary for the protection of the traveling public, the Department of Transportation shall bear the total cost of the construction of such underpass or overpass or the installation of such safety device. In the event the decision on appeal should be that the construction or installation was necessary but the cost or

apportionment thereof unreasonable, then the railroad company shall bear its proportion as provided in this section of such cost as may be determined on appeal to have been reasonable to meet the necessity of the case. Upon said appeal from an order of the Secretary of Transportation, the burden of proof shall be upon the railroad company, and if it shall not be found and determined upon said appeal that said order was unreasonable or unnecessary for the protection of the traveling public at said crossing, then such railroad company shall bear its proportion of the cost of such construction or installation in accordance with this section.

- (h) The Department of Transportation shall pay the cost of maintenance of all overpasses and the railroad company shall pay the cost of maintenance of all underpasses constructed in accordance with this section. The cost of maintenance of safety devices at all intersections of any railroad company and any street or road forming a link in or a part of the State highway system which have been constructed prior to July 1, 1959, or which shall be constructed thereafter shall be borne fifty percent (50%) by the railroad company and fifty percent (50%) by the Department of Transportation. The maintenance of said overpasses and underpasses shall be performed by the railroad company or the Department of Transportation as may be agreed upon and reimbursement for the cost thereof, in accordance with this section, shall be made annually. The maintenance of such safety devices shall be performed by the railroad company and reimbursement for the cost thereof, in accordance with this section, shall be made annually by the Department of Transportation. (1921, c. 2, s. 19; 1923, c. 160, s. 5; C.S., s. 3846(y); 1925, c. 277; 1929, c. 74; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1959, c. 1216; 1973, c. 507, s. 5; 1977, c. 464, ss. 7.1, 11, 15; 1993, c. 539, s. 979; 1994, Ex. Sess., c. 14, s. 60, c. 24, s. 14(c).)

#### **§ 136-21. Drainage of highway; application to court; summons; commissioners.**

Whenever in the establishment, construction, improvement or maintenance of any public highway it shall be necessary to drain said highway, and to accomplish such purpose it becomes necessary to excavate a canal or canals for carrying the surplus water to some appropriate outlet, either along the right-of-way of said highway or across the lands of other landowners, and by the construction, enlargement or improvement of such canal or canals, lands other than said highway will be drained and benefited, then, and in such event, the Department of Transportation, if said highway be a part of the State highway system, or the county commissioners, if said road is not under State supervision, may, by petition, apply to the superior court of the county in which, in whole or in part, said highway lies or said canal is to be constructed, setting forth the necessity for the construction, improvement or maintenance of said canal, the lands which will be drained thereby, with such particularity as to enable same to be identified, the names of the owners of said land and the particular circumstances of the case; whereupon a summons shall be issued for and served upon each of the proprietors, requiring them to appear before the court at a time to be named in the summons, which shall not be less than 10 days from the service thereof, and upon such day the petition shall be heard, and the court shall appoint three disinterested persons, one of whom shall be a competent civil and drainage engineer recommended by the Department of Environmental Quality, and the other two of whom shall be resident freeholders of the county or counties in which the road and lands are, in whole or in part, located, as commissioners, who shall, before entering upon the discharge of their duties, be sworn to do justice between the parties. (1925, c. 85, s. 3; c. 122, s. 44; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1262, s. 86; 1977, c. 464, s. 7.1; c. 771, s. 4; 1989, c. 727, s. 218(88); 1997-443, s. 11A.119(a); 2015-241, s. 14.30(u).)

**§ 136-25. Repair of road detour.**

It shall be mandatory upon the Department of Transportation, its officers and employees, or any contractor or subcontractor employed by the said Department of Transportation, to select, lay out, maintain and keep in as good repair as possible suitable detours by the most practical route while said highways or roads are being improved or constructed, and it shall be mandatory upon the said Department of Transportation and its employees or contractors to place or cause to be placed explicit directions to the traveling public during repair of said highway or road under the process of construction. All expense of laying out and maintaining said detours shall be paid out of the State Highway Fund. (1921, c. 2, s. 11; C.S., s. 3846(s); 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-26. Closing of State transportation infrastructure during construction; injury to barriers, warning signs, etc.**

- (a) If it shall appear necessary to the Department of Transportation, its officers, or appropriate employees, to close any transportation infrastructure coming under its jurisdiction so as to permit proper completion of construction work which is being performed, or to prohibit traffic on transportation infrastructure due to damage posing a danger to public safety, the Department of Transportation, its officers or employees, may close, or cause to be closed, the whole or any portion of transportation infrastructure deemed necessary to be excluded from public travel. While any transportation infrastructure, or portion thereof, is so closed, or while any transportation infrastructure, or portion thereof, is in process of construction or maintenance, the Department of Transportation, its officers or appropriate employees, or its contractor, under authority from the Department of Transportation, may erect, or cause to be erected, suitable barriers or obstruction thereon; may post, or cause to be posted, conspicuous notices to the effect that the transportation infrastructure, or portion thereof, is closed; and may place warning signs, lights and lanterns on transportation infrastructure, or portions thereof.
- (b) When infrastructure is closed to the public as provided herein, any person who willfully drives onto transportation infrastructure closed pursuant to this section or removes, injures or destroys any such barrier or barriers or obstructions on the road closed or being constructed, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning signs, lights, or lanterns so erected, posted, or placed pursuant to this section, shall be guilty of a Class 1 misdemeanor.
- (c) This prohibition [in this section] does not apply to law enforcement, first responders, personnel of emergency management agencies, or Department of Transportation personnel acting in the course of, and within the scope of, their official duties; or personnel acting in the course of, and within the scope of, installation, restoration or maintenance of utility services in coordination with the Department of Transportation. (1921, c. 2, s. 12; C.S., s. 3846(t); 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1993, c. 539, s. 980; 2009-266, s. 10; 2019-84, s. 1.)

**§ 136-27. Connection of highways with improved streets; pipelines and conduits; cost.**

When any portion of the State highway system shall run through any city or town and it shall be found necessary to connect the State highway system with improved streets of such city or town as may be designated as part of such system, the Department of Transportation shall build such connecting links, the same to be uniform in dimensions and materials with such State highways: Provided, however, that whenever any city or town may desire to widen its streets which may be traversed by the State highway, the Department of Transportation may make such arrangements with said city or town in connection with the construction of said road as, in its discretion, may seem wise and just under all the facts and circumstances in connection therewith: Provided further, that such city or town shall save the Department of Transportation harmless from any claims for damage arising from the construction of said road through such city or town and including claims for rights-of-way, change of grade line, and interference with public-service structures. And the Department of Transportation may require such city or town to cause to be laid all water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services, to the curb line of such road or street to be constructed: Provided further, that whenever by agreement with the road governing body of any city or town any street designated as a part of the State highway system shall be surfaced by order of the Department of Transportation at the expense, in whole or in part, of a city or town it shall be lawful for the governing body of such city or town to declare an assessment district as to the street to be improved, without petition by the owners of property abutting thereon, and the costs thereof, exclusive of so much of the cost as is incurred at street intersections and the share of railroads or street railways whose tracks are laid in said street, which shall be assessed under their franchise, shall be specially assessed upon the lots or parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon by an equal rate per foot of such frontage. (1921, c. 2, s. 16; 1923, c. 160, s. 4; C.S., s. 3846(ff); 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

(a) All contracts over five million dollars (\$5,000,000) that the Department of Transportation may let for construction, maintenance, operations, or repair necessary to carry out the provisions of this Chapter, shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.109 for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. For those federal aid projects, the Department of Transportation shall use only the contract provisions for differing site conditions, suspensions of work ordered by the engineer, or significant changes in the character of the work developed by the North Carolina Department of Transportation and approved by the Board of Transportation.

(b) For contracts let to carry out the provisions of this Chapter in which the amount of work to be let to contract for transportation infrastructure construction or repair is five million dollars (\$5,000,000) or less, and for transportation infrastructure maintenance, excluding resurfacing, that is five million dollars (\$5,000,000) per year or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest

responsible bidder. Where public advertising is used for a contract subject to this subsection, the Highway Division shall post the advertisement at least 14 calendar days prior to the letting date of the contract. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any time after the bids are opened. The Highway Divisions shall publish the results of a bidding process no later than three business days after the contract bid upon is awarded.

(b1) Notwithstanding any provision of G.S. 136-28.5 to the contrary, and except as prohibited by other State or federal law, the Department of Transportation shall, at the time and place bids solicited for a contract subject to this section are opened, make public all cost estimates prepared by the Department for the purpose of comparing the bids.

(c) The construction, maintenance, and repair of ferryboats and all other marine floating equipment and the construction and repair of all types of docks by the Department of Transportation shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and Chapter 44A and Chapter 143C of the General Statutes, the State Budget Act. In cases of a written determination by the Secretary of Transportation that the requirement for compatibility does not make public advertising feasible for the repair of ferryboats, the public advertising as well as the soliciting of informal bids may be waived.

(d) The construction, maintenance, and repair of the highway rest area buildings and facilities, weight stations and the Department of Transportation's participation in the construction of welcome center buildings shall be deemed highway construction, maintenance, or repair for the purpose of G.S. 136-28.1 and G.S. 136-28.3 and Chapter 143C of the General Statutes, the State Budget Act.

(e) The Department of Transportation may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements of this section upon a determination of the Secretary of Transportation or the Secretary's designee that an emergency exists and that it is not feasible or not in the public interest for the Department of Transportation to comply with the bidding requirements. For purposes of this section, the term "emergency" includes any of the following that is unanticipated, results in detours or deters the free movement of goods and services, and requires an estimated expenditure of ten million dollars (\$10,000,000) or less in construction, maintenance, or repair costs:

- (1) A bridge closure.
- (2) A road closure.
- (3) A weight restriction.

(f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with the planning, operations, design, maintenance, repair, and construction of transportation infrastructure. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

(g) The Department of Transportation may enter into contracts for research and development with educational institutions and nonprofit organizations without soliciting bids or proposals.



(h) The Department of Transportation may enter into contracts for applied research and experimental work without soliciting bids or proposals; provided, however, that if the research or work is for the purpose of testing equipment, materials, or supplies, the provisions of Article 3 of Chapter 143 of the General Statutes shall apply. However, the Department of Transportation shall: (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars (\$1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Department of Transportation under this subsection a standard clause which provides that the State Auditor and internal auditors of the Department of Transportation may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Department of Transportation shall not award a cost plus percentage of cost agreement or contract for any purpose. The Department of Transportation is encouraged to solicit proposals when contracts are entered into with private firms when it is in the public interest to do so.

(i) The Department of Transportation may negotiate and enter into contracts with public utility companies for the lease, purchase, installation, and maintenance of generators for electricity for its ferry repair facilities.

(j) Repealed by Session Laws 2002-151, s. 1, effective October 9, 2002.

(k) The Department of Transportation may accept bids under this section by electronic means and may issue rules governing the acceptance of these bids. For purposes of this subsection "electronic means" is defined as means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(l) The Department of Transportation may enter into contracts for public-private participation in providing litter removal from State right-of-way. Selection of firms to perform this work shall be made using a best value procurement process and shall be without regard to other provisions of law regarding the Adopt-A-Highway Program administered by the Department. Acknowledgement of sponsors may be indicated by appropriate signs that shall be owned by the Department of Transportation. The size, style, specifications, and content of the signs shall be determined in the sole discretion of the Department of Transportation. The Department of Transportation may issue guidelines, rules, and policies necessary to administer this subsection.

(m) The Department of Transportation may enter into contracts for public-private participation at State-owned rest areas. Selection of firms shall be made using a best value procurement process. Recognition of sponsors in the program may be indicated by appropriate acknowledgment for any services provided. The size, style, specifications, and content of the acknowledgment shall be determined in the sole discretion of the Department. Revenues generated pursuant to a contract initiated under this subsection shall be shared with Department of Transportation at a predetermined percentage or rate, and shall be earmarked by the Department to maintain the State-owned rest areas from which the revenues are generated. The Department of Transportation may issue guidelines, rules, and policies necessary to administer this subsection. (1971, c. 972, s. 1; 1973, c. 507, ss. 5, 16; c. 1194, ss. 4, 5; 1977, c. 464, ss. 7.1, 16; 1979, c. 174; 1981, c. 200, ss. 1, 2; c. 859, s. 68; 1985, c. 122, s. 2; 1985 (Reg. Sess., 1986), c. 955, s. 46; c. 1018, s. 2; 1987, c. 400; 1989, c. 78; c. 749, ss. 2, 3; 1995, c. 167, s. 1; 1997-196, s. 1; 1999-25, ss. 2, 3; 2001-424, ss. 27.9(a), 27.9(b); 2002-151, s. 1; 2006-68, s. 1; 2006-203, s. 75; 2007-439, ss. 3, 4; 2009-266, s. 1; 2009-475, s. 12; 2010-194, s. 19; 2011-145, s. 28.3; 2011-326, s. 15(t); 2013-340, s. 2.1; 2016-94, ss. 35.5(a), 35.6(a); 2018-5, s. 34.15.)



**§ 136-28.11. Design-build construction of transportation projects.**

- (a) Design-Build Contracts Authorized. - Notwithstanding any other provision of law, the Board of Transportation may award contracts each fiscal year for construction of transportation projects on a design-build basis.
- (b) Design-Build Contract Amounts; Basis of Award. - The Department may award contracts for the construction of transportation projects on a design-build basis of any amount. The Department shall endeavor to ensure design-build projects are awarded on a basis to maximize participation, competition, and cost benefit. On any project for which the Department proposes to use the design-build contracting method, the Department shall attempt to structure and size the contracts for the project in order that contracting firms and engineering firms based in North Carolina have a fair and equal opportunity to compete for the contracts.
- (c) Disadvantaged Business Participation Goals. - The provisions of G.S. 136-28.4 and 49 C.F.R. Part 26 shall apply to the award of contracts under this section.
- (d) Repealed by Session Laws 2013-360, s. 34.2(c), effective July 1, 2013.
- (e) Reporting Requirements. - The Department, for any proposed design-build project projected to have a construction cost in excess of fifty million dollars (\$50,000,000), shall present to the Joint Legislative Transportation Oversight Committee information on the scope and nature of the project and the reasons the development of the project on a design-build basis will best serve the public interest. (2001-424, s. 27.2(a); 2002-151, s. 2; 2007-357, s. 1; 2011-145, s. 28.4; 2013-360, s. 34.2(c).)

**§ 136-30. Uniform signs and other traffic control devices on highways, streets, and public vehicular areas.**

- (a) State Highway System. - The Department of Transportation may number and mark highways in the State highway system. All traffic signs and other traffic control devices placed on a highway in the State highway system must conform to the Uniform Manual. The Department of Transportation shall have the power to control all signs within the right-of-way of highways in the State highway system. The Department of Transportation may erect signs directing persons to roads and places of importance.
- (b) Municipal Street System. - All traffic signs and other traffic control devices placed on a municipal street system street must conform to the appearance criteria of the Uniform Manual. All traffic control devices placed on a highway that is within the corporate limits of a municipality but is part of the State highway system must be approved by the Department of Transportation.
- (c) Public Vehicular Areas. - Except as provided in this subsection, all traffic signs and other traffic control devices placed on a public vehicular area, as defined in G.S. 20-4.01, must conform to the Uniform Manual. The owner of private property that contains a public vehicular area may place on the property a traffic control device, other than a sign designating a parking space for handicapped persons, as defined in G.S. 20-37.5, that differs in material from the uniform device but does not differ in shape, size, color, or any other way from the uniform device. The owner of private property that contains a public vehicular area may place on the property a sign designating a parking space for handicapped persons that differs in material and color from the uniform sign but does not differ in shape, size, or any other way from the uniform device.
- (d) Definition. - As used in this section, the term "Uniform Manual" means the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of

Transportation, and any supplement to that Manual adopted by the North Carolina Department of Transportation.

- (e) Exception for Public Airport Traffic Signs. - Publicly owned airports, as defined in Chapter 63 of the General Statutes, shall be exempt from the requirements of subsections (b) and (c) of this section with respect to informational and directional signs, but not with respect to regulatory traffic signs. (1921, c. 2, ss. 9(a), 9(b); C.S., ss. 3846(q), 3846(r); 1927, c. 148, s. 54; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991, c. 530, s. 1; 1991 (Reg. Sess., 1992), c. 818, s. 2; 1993, c. 51.)

#### **§ 136-30.1. Center line and pavement edge line markings.**

- (a) The Department of Transportation shall mark with center lines and edge lines all interstate and primary roads and all paved secondary roads having an average traffic volume of 100 vehicles per day or more, and which are traffic service roads forming a connecting link in the State highway system. The Department of Transportation shall not be required to mark with center and edge lines local subdivision roads, loop roads, dead-end roads of less than one mile in length or roads the major purpose of which is to serve the abutting property, nor shall the Department of Transportation be required to mark with edge lines those roads on which curbing has been installed or which are less than 16 feet in width.
- (b) Whenever the Department of Transportation shall construct a new paved road, relocate an existing paved road, resurface an existing paved road, or pave an existing road which under the provisions of subsection (a) hereof is required to be marked with lines, the Department of Transportation shall, within 30 days from the completion of the construction, resurfacing or paving, mark the said road with the lines required in subsection (a) hereof.
- (c) Repealed by Session Laws 1991, c. 530, s. 2. (1969, c. 1172, s. 1; 1973, c. 496, ss. 1, 2; c. 507, s. 5; 1977, c. 464, s. 7.1; 1991, c. 530, s. 2.)

#### **§ 136-31: Repealed by Session Laws 1991, c. 530, s. 3.**

#### **§ 136-32. Regulation of signs.**

(a) Commercial Signs. - No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. - During the period beginning on the 30<sup>th</sup> day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day, persons may place political signs in the right-of-way of the

State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

(c) Definition. - For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1; 2019-119, s. 1.)

### **§ 136-32.1. Misleading signs prohibited.**

No person shall erect or maintain within 100 feet of any highway right-of-way any warning or direction sign or marker of the same shape, design, color and size of any official highway sign or marker erected under the provisions of G.S. 136-30, or otherwise so similar to an official sign or marker as to appear to be an official highway sign or marker. Any person who violates any of the provisions of this section is guilty of a Class 1 misdemeanor. (1955, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 40; 1993, c. 539, s. 982; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-32.2. Placing blinding, deceptive or distracting lights unlawful.**

(a) If any person, firm or corporation shall place or cause to be placed any lights, which are flashing, moving, rotating, intermittent or steady spotlights, in such a manner and place and of such intensity:

- (1) Which, by the use of flashing or blinding lights, blinds, tends to blind and effectively hampers the vision of the operator of any motor vehicle passing on a public highway; or
- (2) Which involves red, green or amber lights or reflectorized material and which resembles traffic signal lights or traffic control signs; or
- (3) Which, by the use of lights, reasonably causes the operator of any motor vehicle passing upon a public highway to mistakenly believe that there is approaching or situated in his lane of travel some other motor vehicle or obstacle, device or barricade, which would impede his traveling in such lane;

[he or it] shall be guilty of a Class 3 misdemeanor.

(b) Each 10 days during which a violation of the provisions of this section is continued after conviction therefor shall be deemed a separate offense.

(c) The provisions of this section shall not apply to any lights or lighting devices erected or maintained by the Department of Transportation or other properly constituted State or local authorities and intended to effect or implement traffic control and safety. Nothing contained in this section shall be deemed to prohibit the otherwise reasonable use of lights or lighting devices for advertising or other lawful purpose when the same do not fall within the provisions of subdivisions (1) through (3) of subsection (a) of this section.

(d) The enforcement of this section shall be the specific responsibility and duty of the State Highway Patrol in addition to all other law-enforcement agencies and officers within this State; provided, however, no warrant shall issue charging a violation of this section unless the violation has continued for 10 days after notice of the same has been given to the person, firm or corporation maintaining or owning such device or devices alleged to be in violation of this section. (1959, c. 560; 1973, c. 507, s. 5; 1975, c. 716, s. 5; 1977, c. 464, ss. 7.1, 17; 1993, c. 539, s. 983; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-33. Damaging or removing signs; rewards.**

(a) No person shall willfully deface, damage, knock down or remove any sign posted as provided in G.S. 136-26 or G.S. 136-30.

(b) No person, without just cause or excuse, shall have in his possession any highway sign as provided in G.S. 136-26 or G.S. 136-30.

(b1) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(c) The Department of Transportation is authorized to offer a reward not to exceed five hundred dollars (\$500.00) for information leading to the arrest and conviction of persons who violate the provisions of this section, such reward to be paid from funds of the Department of Transportation.

(d) The enforcement of this section shall be the specific responsibility and duty of the State Highway Patrol in addition to all other law-enforcement agencies and officers within this State. (1927, c. 148, s. 57; 1971, c. 671; 1973, c. 507, s. 5; 1975, cc. 11, 93, c. 716, s. 7; 1977, c. 464, ss. 7.1, 18; 1991 (Reg. Sess., 1992), c. 1030, s. 41; 1993, c. 539, s. 984; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-33.1. Signs for protection of cattle.**

Upon written request of any owner of more than five head of cattle, the Department of Transportation shall erect appropriate and adequate signs on any road or highway under the control of the Department of Transportation, such signs to be so worded, designed and located as to give adequate warning of the presence and crossing of cattle. Such signs shall be located at points agreed upon by the owner and the Department of Transportation at points selected to give reasonable warning of places customarily or frequently used by the cattle of said owner to cross said road or highway, and no one owner shall be entitled to demand the placing of signs at more than one point on a single or abutting tracts of land. (1949, c. 812; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-33.2: Repealed by Session Laws 2007-164, s. 2, effective July 1, 2007.**

**§ 136-33.2A. Signs marking beginning of reduced speed zones.**

If a need to reduce speed in a speed zone is determined to exist by an engineer of the Department, there shall be a sign erected, of adequate size, at least 600 feet in advance of the beginning of any speed zone established by any agency of the State authorized to establish the same, which shall indicate a change in the speed limit. (2007-164, s. 3.)

**§ 136-34. Department of Transportation authorized to furnish road equipment to municipalities.**

The Department of Transportation is hereby authorized to furnish municipalities road maintenance equipment to aid such municipalities in the maintenance of streets upon such rental agreement as may be agreed upon by the Department of Transportation and the said municipality. Such rental, however, is to be at least equal to the cost of operation, plus wear and tear on such equipment; and the Department of Transportation shall not be required to furnish equipment when to do so would interfere with the maintenance of the streets and highways under the control of the Department of Transportation. (1941, c. 299; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, ss. 7.1, 19.)

**§ 136-35. Cooperation with other states and federal government.**

It shall also be the duty of the Department of Transportation, where possible, to cooperate with the state highway commissions of other states and with the federal government in the correlation of roads and other transportation systems so as to form a system of intercounty, interstate, and national highways and transportation systems. The Department of Transportation may enter into reciprocal agreements with other states and the United States Department of Transportation to perform inspection work and to pay reasonable fees for inspection work performed by others in connection with supplies and materials used in transportation construction and repair. (1915, c. 113, s. 12; C.S., s. 3584; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1985, c. 127; c. 689, s. 31; 2009-266, s. 17.)

**§ 136-41.1. Appropriation to municipalities; allocation of funds generally; allocation to Butner.**

(a) Upon appropriation of funds by the General Assembly to the Department of Transportation for State aid to municipalities, one-half of the amount appropriated shall be allocated in cash on or before October 1 of each year to the cities and towns of the State in accordance with this section. The second one-half of the amount appropriated shall be allocated in cash on or before January 1 of each year to the cities and towns of the State in accordance with this section.

Seventy-five percent (75%) of the funds appropriated for cities and towns shall be distributed among the several eligible municipalities of the State in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible municipalities according to the most recent annual estimates of population as certified to the Secretary of Revenue by the State Budget Officer. This annual estimation of population shall include increases in the population within the municipalities caused by annexations accomplished through July 1 of the calendar year in which these funds are distributed. Twenty-five percent (25%) of said fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the mileage of public streets in each eligible municipality which does not form a part of the State highway system bears to the total mileage of the public streets in all eligible municipalities which do not constitute a part of the State highway system.

It shall be the duty of the mayor of each municipality to report to the Department of Transportation such information as it may request for its guidance in determining the eligibility of each municipality to receive funds under this section and in determining the amount of allocation to which each is entitled. Upon failure of any municipality to make such report within the time prescribed by the Department of Transportation, the Department of Transportation may disregard such defaulting unit in making said allotment.

The funds to be allocated under this section shall be paid in cash to the various eligible municipalities on or before October 1 and January 1 of each year as provided in this section. Provided that eligible municipalities are authorized within the discretion of their governing bodies to enter into contracts for the purpose of maintenance, repair, construction, reconstruction, widening, or improving streets of such municipalities at any time after January 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount received by such municipality during the preceding fiscal year, in anticipation of the receipt of funds under this section during the next fiscal year, to be paid for out of such funds when received.

The Department of Transportation may withhold each year an amount not to exceed one percent (1%) of the total amount appropriated for distribution under this section for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year.

The word "street" as used in this section is hereby defined as any public road maintained by a municipality and open to use by the general public, and having an average width of not less than 16 feet. In order to obtain the necessary information to distribute the funds herein allocated, the Department of Transportation may require that each municipality eligible to receive funds under this section submit to it a statement, certified by a registered engineer or surveyor of the total number of miles of streets in such municipality. The Department of Transportation may in its discretion require the certification of mileage on a biennial basis.

(b) For purposes of this section and of G.S. 136-41.2 and 136-41.3, urban service districts defined by the governing board of a consolidated city-county in which street services are provided



by the consolidated city-county, as defined by G.S. 160B-2(1), shall be considered eligible municipalities, and the allocations to be made thereby shall be made to the government of the consolidated city-county.

(c) Any funds allocated to the unincorporated area known as the Butner Reservation shall be transferred to the Town of Butner.

(d) Nature. - The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution. (1951, c. 260, s. 2; c. 948, ss. 2, 3; 1953, c. 1127; 1957, c. 65, s. 11; 1963, c. 854, ss. 1, 2; 1969, c. 665, ss. 1, 2; 1971, c. 182, ss. 1-3; 1973, c. 476, s. 193; c. 500, s. 1; c. 507, s. 5; c. 537, s. 6; 1975, c. 513; 1977, c. 464, s. 7.1; 1979, 2nd Sess., c. 1137, s. 50; 1981, c. 690, s. 4; c. 859, s. 9.2; c. 1127, s. 54; 1985 (Reg. Sess., 1986), c. 982, s. 1; 1989, c. 692, s. 1.6; 1995, c. 390, s. 26; c. 461, s. 18; 1997-443, s. 11A.118(a); 2000-165, s. 1; 2002-120, s. 5; 2007-269, s. 13; 2011-145, s. 28.10(a); 2013-183, s. 3.1; 2014-100, s. 34.1; 2015-241, s. 29.17D(a).)

### **§ 136-41.3. Use of funds; records and annual statement; excess accumulation of funds; contracts for maintenance, etc., of streets.**

(a) Uses of Funds. - Except as otherwise provided in this subsection, the funds allocated to cities and towns under the provisions of G.S. 136-41.2 shall be expended by said cities and towns primarily for the resurfacing of streets within the corporate limits of the municipality but may also be used for the purposes of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality or for meeting the municipality's proportionate share of assessments levied for such purposes, or for the planning, construction and maintenance of bikeways, greenways, or sidewalks. The funds allocated to cities and towns under the provisions of G.S. 136-41.2 shall not be expended for the construction of a sidewalk into which is built a mailbox, utility pole, fire hydrant, or other similar obstruction that would impede the clear passage of pedestrians on the sidewalk.

(b) Records and Annual Statement. - Each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 shall maintain a separate record of accounts indicating in detail all receipts and expenditures of such funds. It shall be unlawful for any municipal employee or member of any governing body to authorize, direct, or permit the expenditure of any funds accruing to any municipality by virtue of G.S. 136-41.1 and 136-41.2 for any purpose not herein authorized. Any member of any governing body or municipal employee shall be personally liable for any unauthorized expenditures. On or before the first day of August each year, the treasurer, auditor, or other responsible official of each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 shall file a statement under oath with the Secretary of Transportation showing in detail the expenditure of funds received by virtue of G.S. 136-41.1 and 136-41.2 during the preceding year and the balance on hand. The Department of Transportation shall submit to the chairs of the Joint Legislative Transportation Oversight Committee an annual report no later than October 1 of each year detailing the uses by each municipality of funds received under G.S. 136-41.1 and G.S. 136-41.2 during the preceding year.

(b1) Failure to File. - A municipality that fails to file the statement required under subsection (b) of this section by October 1 is ineligible to receive funds allocated on October 1 under G.S. 136-41.1 or G.S. 136-41.2 for the fiscal year in which the municipality failed to file the statement. A

municipality that fails to file the statement required under subsection (b) of this section by January 1 is ineligible to receive funds allocated under G.S. 136-41.1 or G.S. 136-41.2 for the fiscal year in which the municipality failed to file the statement.

(c) **Excess Accumulation of Funds Prohibited.** - No funds allocated to municipalities pursuant to G.S. 136-41.1 and 136-41.2 shall be permitted to accumulate for a period greater than permitted by this section. Interest on accumulated funds shall be used only for the purposes permitted by the provisions of G.S. 136-41.3. Except as otherwise provided in this section, any municipality having accumulated an amount greater than the sum of the past 10 allocations made, shall have an amount equal to such excess deducted from the next allocation after receipt of the report required by this section. Such deductions shall be carried over and added to the amount to be allocated to municipalities for the following year. Notwithstanding the other provisions of this section, the Department shall adopt a policy to allow small municipalities to apply to the Department to be allowed to accumulate up to the sum of the past 20 allocations if a municipality's allocations are so small that the sum of the past 10 allocations would not be sufficient to accomplish the purposes of this section.

(d) **Contracts for Maintenance and Construction.** - In the discretion of the local governing body of each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 it may contract with the Department of Transportation to do the work of maintenance, repair, construction, reconstruction, widening or improving the streets in such municipality; or it may let contracts in the usual manner as prescribed by the General Statutes to private contractors for the performance of said street work; or may undertake the work by force account. The Department of Transportation within its discretion is hereby authorized to enter into contracts with municipalities for the purpose of maintenance, repair, construction, reconstruction, widening or improving streets of municipalities. And the Department of Transportation in its discretion may contract with any city or town which it deems qualified and equipped so to do that the city or town shall do the work of maintaining, repairing, improving, constructing, reconstructing, or widening such of its streets as form a part of the State highway system.

In the case of each eligible municipality, as defined in G.S. 136-41.2, having a population of less than 5,000, the Department of Transportation shall upon the request of such municipality made by official action of its governing body, on or prior to June 1, 1953, or June 1 in any year thereafter, for the fiscal year beginning July 1, 1953, and for the years thereafter do such street construction, maintenance, or improvement on nonsystem streets as the municipality may request within the limits of the current or accrued payments made to the municipality under the provisions of G.S. 136-41.1.

In computing the costs, the Department of Transportation may use the same rates for equipment, rental, labor, materials, supervision, engineering and other items, which the Department of Transportation uses in making charges to one of its own department or against its own department, or the Department of Transportation may employ a contractor to do the work, in which case the charges will be the contract cost plus engineering and inspection. The municipality is to specify the location, extent, and type of the work to be done, and shall provide the necessary rights-of-way, authorization for the removal of such items as poles, trees, water and sewer lines as may be necessary, holding the Department of Transportation free from any claim by virtue of such items of cost and from such damage or claims as may arise therefrom except from negligence on the part of the Department of Transportation, its agents, or employees.

If a municipality elects to bring itself under the provisions of the two preceding paragraphs, it shall enter into a two-year contract with the Department of Transportation and if it desires to



dissolve the contract at the end of any two-year period it shall notify the Department of Transportation of its desire to terminate said contract on or before April 1 of the year in which such contract shall expire; otherwise, said contract shall continue for an additional two-year period, and if the municipality elects to bring itself under the provisions of the two preceding paragraphs and thereafter fails to pay its account to the Department of Transportation for the fiscal year ending June 30, by August 1 following the fiscal year, then the Department of Transportation shall apply the said municipality's allocation under G.S. 136-41.1 to this account until said account is paid and the Department of Transportation shall not be obligated to do any further work provided for in the two preceding paragraphs until such account is paid.

Section 143-129 of the General Statutes relating to the procedure for letting of public contracts shall not be applicable to contracts undertaken by any municipality with the Department of Transportation in accordance with the provisions of the three preceding paragraphs.

(e) Permitted Offsets to Funding. - The Department of Transportation is authorized to apply a municipality's share of funds allocated to a municipality under the provisions of G.S. 136-41.1 to any of the following accounts of the municipality with the said Department of Transportation, which the municipality fails to pay:

- (1) Cost sharing agreements for right-of-way entered into pursuant to G.S. 136-66.3, but not to exceed ten percent (10%) of any one year's allocation until the debt is repaid,
- (2) The cost of relocating municipally owned waterlines and other municipally owned utilities on a State highway project which is the responsibility of the municipality,
- (3) For any other work performed for the municipality by the Department of Transportation or its contractor by agreement between the Department of Transportation and the municipality, and
- (4) For any other work performed that was made necessary by the construction, reconstruction or paving of a highway on the State highway system for which the municipality is legally responsible. (1951, c. 260, s. 3; c. 948, s. 4; 1953, c. 1044; 1957, c. 65, s. 11; 1969, c. 665, ss. 3, 4; 1971, c. 182, s. 4; 1973, c. 193; c. 507, s. 5; 1977, c. 464, ss. 7.1, 20; c. 808; 1993 (Reg. Sess., 1994), c. 690, s. 1.1; 2011-145, s. 28.10(d); 2013-183, s. 3.3; 2015-241, s. 29.17D(b); 2017-57, s. 34.17(a).)

#### **§ 136-42.1. Archaeological objects on highway right-of-way.**

The Department of Transportation is authorized to expend highway funds for reconnaissance surveys, preliminary site examinations and salvage work necessary to retrieve and record data and the preservation of archaeological and paleontological objects of value which are located within the right-of-way acquired for highway construction. The Department of Natural and Cultural Resources shall be consulted when objects of scientific or historical significance might be anticipated or encountered in highway right-of-way and a determination made by that Department as to the national, State, or local importance of preserving any or all fossil relics, artifacts, monuments or buildings. The Department of Natural and Cultural Resources shall request advice from other agencies or institutions having special knowledge or skills that may not be available in the said Department for the determination of the presence of or for the evaluation and salvage of prehistoric archaeological or paleontological remains within the highway right-of-way. The

Department of Transportation is authorized to contract with the Department of Natural and Cultural Resources and to provide funds necessary to perform reconnaissance surveys, preliminary site examination and salvage operation at those sites determined by the Department of Natural and Cultural Resources to be of sufficient importance to be preserved for the inspiration and benefit of the people of North Carolina. The Department of Natural and Cultural Resources is authorized to enter into contracts and to make arrangements to perform the necessary work pursuant to this section. The Department of Natural and Cultural Resources shall assume possession and responsibility for any and all historical objects and is authorized to enter into agreements with governmental units and agencies thereof, institutions, and charitable organizations for the preservation of any or all fossil relics, artifacts, monuments, or buildings. (1971, c. 345, s. 1; 1973, c. 476, s. 48; c. 507, s. 5; 1977, c. 464, s. 7.1; 2015-241, s. 14.30(s).)

#### **§ 136-42.2. Markers on highway; cooperation of Department of Transportation.**

The Department of Transportation is hereby authorized to cooperate with the Department of Natural and Cultural Resources in marking historic spots along the State highways. (1927, c. 226, s. 1; 1933, c. 172, s. 17; 1943, c. 237; 1957, c. 65, s. 11; 1971, c. 345, s. 2; 1973, c. 476, s. 48; c. 507, s. 5; 1977, c. 464, s. 7.1; 2015-241, s. 14.30(s).)

#### **§ 136-42.3. Historical marker program.**

The Department of Transportation shall transfer one hundred thousand dollars (\$100,000) each fiscal year to the Department of Natural and Cultural Resources for the purchase of historical markers. The Department of Transportation shall erect the markers on sites selected by the Department of Natural and Cultural Resources. This expenditure is hereby declared to be a valid expenditure of State highway maintenance funds. No provision in this section shall be construed to prevent the expenditure of any federal highway funds that may be available for this purpose. (1935, c. 197; 1943, c. 237; 1951, c. 766; 1955, c. 543, s. 2; 1957, c. 65, s. 11; 1971, c. 345, s. 2; 1973, c. 476, s. 48; c. 507, s. 5; 1977, c. 464, s. 7.1; 1983 (Reg. Sess., 1984), c. 1034, s. 129; 2015-241, s. 14.30(s); 2016-94, s. 35.4; 2021-180, s. 41.56.)

#### **§ 136-43.1. Procedure for correction and relocation of historical markers.**

Any person, firm or corporation who has knowledge or information, supported by historical data, books, records, writings, or other evidence, that any historical marker has been erected at an erroneous or mistaken site, or that the inscription appearing on any historical marker contains erroneous or mistaken information, shall have the privilege of presenting such knowledge or information and supporting evidence to the advisory committee described in the preamble of Public Laws 1935, c. 197 for its consideration. Upon being informed that any person desires to present such information, the Secretary of Natural and Cultural Resources shall notify such person of the date, place and time of the next meeting of the advisory committee. Any person, firm or corporation desiring to present such information to the advisory committee shall be allowed to appear before the committee for that purpose.

If, after considering the information and evidence presented, the advisory committee should find that any historical marker has been erected on an erroneous or mistaken site, or that erroneous or mistaken information is contained in the inscription appearing on any historical marker, it shall

so inform the Department of Natural and Cultural Resources and the Department of Natural and Cultural Resources shall cause such marker to be relocated at the correct site, or shall cause the erroneous or mistaken inscription to be corrected, or both as the case may be. (1961, c. 267; 1973, c. 476, s. 48; 2015-241, ss. 14.30(s), (t).)

#### **§ 136-44.2. Budget and appropriations.**

(a) The Director of the Budget shall include in the "Current Operations Appropriations Act" an enumeration of the purposes or objects of the proposed expenditures for each of the maintenance and improvement programs for that budget period for the State primary, secondary, State parks road systems, and other transportation systems. The State primary system shall include all portions of the State highway system located both inside and outside municipal corporate limits that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located both inside and outside municipal corporate limits that is not a part of the State primary system. The State parks system shall include all State parks roads and parking lots that are not also part of the State highway system. The transportation systems shall also include State-maintained, nonhighway modes of transportation.

(b) All maintenance and improvement programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

(c) Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, transportation projects and systems, and ferry operations shall be enumerated in the budget.

(d) The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. For purposes of this section, "federally eligible construction project" means any construction project except secondary road projects developed pursuant to G.S. 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

(e) The "Current Operations Appropriations Act" shall also contain the proposed appropriations of State funds for use in each Highway Division for maintenance and improvement of secondary roads, to be allocated in accordance with G.S. 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the construction, maintenance, and improvement of secondary roads in the county for which they are allocated pursuant to G.S. 136-44.6.

(f) If the unreserved credit balance in the Highway Fund on the last day of a fiscal year is greater than the amount estimated for that date in the Current Operations Appropriations Act for the following fiscal year, the excess shall be used in accordance with this subsection. The Director of the Budget shall allocate the excess to a reserve (i) for access and public roads or (ii) for other urgent road construction or road maintenance needs. The use of this reserve shall be subject to the following:

- (1) Restrictions on use. - No more than five million dollars (\$5,000,000) from this reserve may be spent on a single project. Funds from this reserve being used for an "other urgent road construction or road maintenance need" project cannot be

used for nontransportation administrative costs, nontransportation information technology costs, or any economic development purpose.

- (2) Approval. - The Department of Transportation shall submit for approval to the Director of the Budget all expenditures from the reserve established under this subsection.
  - (3) Reporting. - At least five days, not including State holidays or weekend days, prior to submitting an expenditure request to the Director of the Budget under subdivision (2) of this subsection, the Department of Transportation shall submit a report on the expenditure request to the Fiscal Research Division and to the members of the House Appropriations Subcommittee on Transportation and the Senate Appropriations Committee on Department of Transportation. Such report shall be certified by the chief financial officer of the Department of Transportation and shall include (i) a project description, (ii) whether the project is for access and public roads or for other urgent needs, (iii) a justification of the project, (iv) the total project cost, (v) the amount of funding for the project coming from the reserve, and (vi) other funding sources for the project.
  - (4) Carryforward. - If on the last day of the fiscal year the balance in the reserve established by this subsection is greater than five million dollars (\$5,000,000), then the Director of the Budget shall transfer the amount in excess of that sum to the Reserve for General Maintenance in the Highway Fund.
- (f1) The credit reserve for the Highway Fund consists of the following:
- (1) The unreserved credit balance in the Highway Fund on the last day of the fiscal year to the extent the balances exceed the amount estimated for that date in the Current Operations Appropriations Act for the following fiscal year.
  - (2) The unallotted and unencumbered balances on the last day of the fiscal year for the following:
    - a. Funds appropriated from the Highway Fund for the multimodal programs of the Department, consisting of funds for bicycle and pedestrian, railroad, aviation, and public transportation programs, excluding funds deposited in the Freight Rail & Rail Crossing Safety Improvement Fund.
    - b. Funds appropriated from the Highway Fund for the construction programs of the Department, consisting of funds for secondary construction, access and public service roads, spot safety improvement, small urban construction, and economic development programs.
  - (3) The unencumbered and unexpended balances on the last day of the fiscal year for the following:
    - a. Central and program administration.
    - b. Transfers to other State agencies or departments not used or returned.
  - (4) The remaining balance for (i) any open project that has been inactive for two or more years after construction of the project has been completed or (ii) any project that is not obligated during the first two fiscal years in which funds are appropriated.
- (g) The Department of Transportation may provide for costs incurred or accrued for traffic control measures to be taken by the Department at major events which involve a high degree of

traffic concentration on State highways, and which cannot be funded from regular budgeted items. This authorization applies only to events which are expected to generate 30,000 vehicles or more per day. The Department of Transportation shall provide for this funding by allocating and reserving up to one hundred thousand dollars (\$100,000) before any other allocations from the appropriations for State maintenance for primary and secondary road systems are made, based upon the same proportion as is appropriated to each system. (1973, c. 507, s. 3; 1977, c. 464, s. 7.1; 1981, c. 859, s. 84; 1983, c. 717, ss. 46, 47; 1987, c. 830, s. 113(b); 1989, c. 799, s. 12(a); 1991 (Reg. Sess., 1992), c. 907, s. 2; c. 1044, s. 35; 1997-443, s. 32.5; 2005-276, s. 28.1; 2005-382, s. 1; 2009-266, s. 19; 2011-145, s. 28.35(b); 2012-142, s. 24.6; 2013-125, s. 1; 2013-183, s. 2.2(a), (b); 2014-100, s. 34.19(a); 2016-94, s. 35.24(d); 2018-97, s. 7.1(a); 2021-180, s. 41.15(c).)

#### **§ 136-44.10. Additions to secondary road system.**

The Board of Transportation shall adopt uniform statewide or regional standards and criteria which the Department of Transportation shall follow for additions to the secondary road system. These standards and criteria shall be promulgated and copies made available for free distribution. (1973, c. 507, s. 3; 1975, c. 716, s. 7; 1977, c. 464, ss. 8, 21.)

#### **§ 136-44.12. Maintenance of roads and parking lots in areas administered by the Division of Parks and Recreation.**

The Department of Transportation shall maintain all roads and parking lots which are not part of the State Highway System, leading into and located within the boundaries of all areas administered by the Division of Parks and Recreation of the Department of Natural and Cultural Resources.

All such roads and parking lots shall be planned, designed, and engineered through joint action between the Department of Transportation and the Division of Parks and Recreation of the Department of Natural and Cultural Resources. This joint action shall encompass all accepted park planning and design principles. Particular concern shall be given to traffic counts and vehicle weight, minimal cutting into or through any natural and scenic areas, width of shoulders, the cutting of natural growth along roadways, and the reduction of any potential use of roads or parking lots for any purpose other than by park users. All State park roads and parking lots shall conform to the standards regarding width and other roadway specifications as agreed upon by the Division of Parks and Recreation of the Department of Natural and Cultural Resources and the Department of Transportation.

The State park road systems may be closed to the public in accordance with approved park practices that control the use of State areas so as to protect these areas from overuse and abuse and provide for functional use of the park areas, or for any other purpose considered in the best interest of the public by the Division of Parks and Recreation of the Department of Natural and Cultural Resources.

Nothing herein shall be construed to include the transfer to the Department of Transportation the powers now vested in the Division of Parks and Recreation of the Department of Natural and Cultural Resources relating to the patrol and safeguarding of State park roads or State park parking lots. (1973, c. 123, ss. 1-3; 1977, c. 771, s. 4; 1989, c. 727, s. 218(89); c. 799, s. 12(b); 1991 (Reg. Sess., 1992), c. 907, s. 3; 1997-443, s. 11A.119(a); 2015-241, s. 14.30(ww).)

**§ 136-44.14. Curb ramps or curb cuts for handicapped persons.**

- (a) Curbs constructed on each side of any street or road, where curbs and sidewalks are provided and at other major points of pedestrian flow, shall meet the following minimum requirements:
- (1) No less than two curb ramps or curb cuts shall be provided per lineal block, located at intersections.
  - (2) In no case, shall the width of a curb ramp or curb cut be less than 40 inches.
  - (3) The maximum gradient of such curb ramps or curb cuts shall be eight and thirty-three one-hundredths percent (8.33%) (12 inches slope for every one-inch rise) in relationship to the grade of the street or road.
  - (4) One curb ramp or curb cut may be provided under special conditions between each radius point of a street turnout of an intersection, if adequate provisions are made to prevent vehicular traffic from encroaching on the ramp.
- (b) Minimum requirements for curb ramps or curb cuts under subsection (a) shall be met (i) in the initial construction of such curbs, and (ii) whenever such curbs are reconstructed, including, but not limited to, reconstruction for maintenance procedures and traffic operations, repair, or correction of utilities.
- (c) The Department of Transportation, Division of Highways, Highway Design Section, is authorized and directed to develop guidelines to implement this Article in consultation with the Governor's Study Committee on Architectural Barriers (or the Committee on Barrier-Free Design of the Governor's Committee on Employment of the Handicapped if the Governor's Study Committee on Architectural Barriers ceases to exist). All curb ramps or curb cuts constructed or reconstructed in North Carolina shall conform to the guidelines of the Highway Design Section.
- (d) The Department of Transportation, Division of Highways, Highway Design Section, is authorized and directed to provide free copies of this Article together with implementary guidelines and standards, to municipal and county governments and public utilities operating within the State. (1973, c. 718, ss. 1-4.)

**§ 136-45. General purpose of law; control, repair and maintenance of highways.**

The general purpose of the laws creating the Department of Transportation is that said Department of Transportation shall take over, establish, construct, and maintain a statewide system of hard-surfaced and other dependable highways running to all county seats, and to all principal towns, State parks, and principal State institutions, and linking up with state highways of adjoining states and with national highways into national forest reserves by the most practical routes, with special view of development of agriculture, commercial and natural resources of the State, and, except as otherwise provided by law, for the further purpose of permitting the State to assume control of the State highways, repair, construct, and reconstruct and maintain said highways at the expense of the entire State, and to relieve the counties and cities and towns of the State of this burden. (1921, c. 2, s. 2; C.S., s. 3846(a); 1943, c. 410; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2007-428, s. 2.)



**§ 136-51. Maintenance of county public roads vested in Department of Transportation.**

From and after July 1, 1931, the exclusive control and management and responsibility for all public roads in the several counties shall be vested in the Department of Transportation as hereinafter provided, and all county, district, and township highway or road commissioners, by whatever name designated, and whether created under public, public-local, or private acts, shall be abolished:

Provided, that for the purpose of providing for the payment of any bonded or other indebtedness, and for the interest thereon, that may be outstanding as an obligation of any county, district, or township commission herein abolished, the boards of county commissioners of the respective counties are hereby constituted fiscal agents, and are vested with authority and it shall be their duty to levy such taxes on the taxable property or persons within the respective county, district, or township by or for which said bonds or other indebtedness were issued or incurred and as are now authorized by law to the extent that the same may be necessary to provide for the payment of such obligations; and the respective commissions herein abolished shall on or before July 1, 1931, turn over to said boards of county commissioners any moneys on hand or evidences of indebtedness properly applicable to the discharge of any such indebtedness (except such moneys as are mentioned in paragraph (a) above); and all uncollected special road taxes shall be payable to said boards of county commissioners, and the portion of said taxes applicable to indebtedness shall be applied by said commissioners to said indebtedness, or invested in a sinking fund according to law. All that portion of said taxes or other funds coming into the hands of said county commissioners and properly applicable to the maintenance or improvement of the public roads of the county shall be held by them as a special road fund and disbursed upon proper orders of the Department of Transportation.

Provided, further, that in order to fully carry out the provisions of this section the respective boards of county commissioners are vested with full authority to prosecute all suitable legal actions.

Nothing in this section shall prevent a county from participating in the cost of rights-of-way, construction, reconstruction, improvement, or maintenance of a road on the State highway system under agreement with the Department of Transportation. A county is authorized and empowered to acquire land by dedication and acceptance, purchase, or eminent domain and make improvements to portions of the State highway system lying within or outside the county limits utilizing local funds that have been authorized for that purpose. The provisions of G.S. 153A-15 apply to any county attempting to acquire property outside its limits. All improvements to the State highway system shall be done in accordance with the specifications and requirements of the Department of Transportation. (1931, c. 145, s. 7; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2007-428, s. 3.)

**§ 136-54. Power to make changes.**

The Board of Transportation shall be authorized, when in its judgment the public good requires it, to change, alter, add to, or abandon and substitute new sections for, any portion of the State highway system. (1927, c. 46, s. 1; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1965, c. 538, s. 2; 1967, c. 1128, s. 1; 1973, c. 507, s. 5; 1977, c. 464, s. 23.)

**§ 136-55.1. Notice of abandonment.**

- (a) At least 60 days prior to any action by the Department of Transportation abandoning a segment of road and removing the same from the State highway system for maintenance, except roads abandoned on request of the county commissioners under G.S. 136-63, the Department of Transportation shall notify by registered mail or personal delivery all owners of property adjoining the section of road to be abandoned whose whereabouts can be ascertained by due diligence. Said notice shall describe the section of road which is proposed to be abandoned and shall give the date, place and time of the Department of Transportation meeting at which the action abandoning said section of road is to be taken.
- (b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system. (1957, c. 1063; 1967, c. 1128, s. 3; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1993, c. 533, s. 13.)

**§ 136-59. No court action against Board of Transportation.**

No action shall be maintained in any of the courts of this State against the Board of Transportation to determine the location of any State highways or portion thereof, by any person, corporation, or municipal corporation. (1927, c. 46, s. 7; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1967, c. 1128, s. 5; 1973, c. 507, s. 5.)

**§ 136-62. Right of petition.**

The citizens of the State shall have the right to present petitions to the board of county commissioners, and through the board to the Department of Transportation, concerning additions to the system and improvement of roads. The board of county commissioners shall receive such petitions, forwarding them on to the Board of Transportation with their recommendations. Petitions on hand at the time of the periodic preparation of the secondary road plan shall be considered by the representatives of the Department of Transportation in preparation of that plan, with report on action taken by these representatives on such petitions to the board of commissioners at the time of consultation. The citizens of the State shall at all times have opportunities to discuss any aspect of secondary road additions, maintenance, and construction, with representatives of the Department of Transportation in charge of the preparation of the secondary road plan, and if not then satisfied opportunity to discuss any such aspect with the division engineer, the Secretary of Transportation, and the Board of Transportation in turn. (1931, c. 145, s. 14; 1933, c. 172, s. 17; 1957, c. 65, s. 7; 1965, c. 55, s. 12; 1973, c. 507, s. 5; 1977, c. 464, ss. 7.1, 24, 24.1.)

**§ 136-63. Change or abandonment of roads.**

- (a) The board of county commissioners of any county may, on its own motion or on petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county will be served thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or abandonment, and if in its opinion the public interest demands it, shall make such change or abandonment. If the change or abandonment shall affect a road connecting with any street of a city or town, the change or abandonment shall not be made until the street-governing body of the city or town shall have been



duly notified and given opportunity to be heard on the question. Any request by a board of county commissioners or street-governing body of a city refused by the Board of Transportation may be presented again upon the expiration of 12 months.

- (b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system. (1931, c. 145, s. 15; 1957, c. 65, s. 8; 1965, c. 55, s. 13; 1973, c. 507, s. 22 1/2; 1975, c. 19, s. 45; 1977, c. 464, s. 25; 1993, c. 533, s. 14.)

#### **§ 136-64. Filing of complaints with Department of Transportation; hearing and appeal.**

In the event of failure to maintain the roads of the State highway system or any county road system in good condition, the board of county commissioners of such county may file complaint with the Department of Transportation. When any such complaint is filed, the Department of Transportation shall at once investigate the same, and if the same be well founded, the said Department of Transportation shall at once order the repair and maintenance of the roads complained of and investigate the negligence of the persons in charge of the roads so complained of, and if upon investigation the person in charge of the road complained of be at fault, he may be discharged from the service of the Department of Transportation. The board of commissioners of any county, who shall feel aggrieved at the action of the Department of Transportation upon complaint filed, may appeal from the decision of the Department of Transportation to the Governor, and it shall be the duty of the Governor to adjust the differences between the board of county commissioners and the Department of Transportation. (1921, c. 2, s. 20; C.S., s. 3846(11); 1931, c. 145, s. 17; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-64.1. Applications for intermittent closing of roads within watershed improvement project by Department of Transportation; notice; regulation by Department; delegation of authority; markers.**

- (a) Upon proper application by the board of commissioners of a drainage district established under the provisions of Chapter 156 of the General Statutes of North Carolina, by the board of trustees of a watershed improvement district established under the provisions of Article 2 of Chapter 139 of the General Statutes, by the board of county commissioners of any county operating a county watershed improvement program under the provisions of Article 3 of Chapter 139 of the General Statutes, by the board of commissioners of any watershed improvement commission appointed by a board of county commissioners or by the board of supervisors of any soil and water conservation district designated by a board of county commissioners to exercise authority in carrying out a county watershed improvement program, the Department of Transportation, for roads coming under its jurisdictional control, is hereby authorized to permit the intermittent closing of any secondary road within the boundaries of any watershed improvement project operated by the applicants, whenever in the judgment of the Department of Transportation it is necessary to do so, and when the secondary road will be intermittently subject to inundation by floodwaters retained by an approved watershed improvement project.
- (b) Before any permit may be issued for the temporary inundation and closing of such a road, an application for such permit shall be made to the Department of Transportation by the public body having jurisdiction over the watershed improvement project. The application shall specify the

secondary road involved, the anticipated frequency and duration of intermittent flooding of the secondary road involved, and shall request that a permit be granted to the applicant public body to allow the intermittent closing of the road.

- (c) Upon receipt of such an application the Department of Transportation shall give public notice of the proposed action by publication once each week for two consecutive weeks in a newspaper of general circulation in the county or counties within which the proposed intermittent closing of road or roads would occur; and such notices shall contain a description of the places of beginning and the places of ending of such intermittent closing. In addition, the Department of Transportation shall give notice to all public utilities or common carriers having facilities located within the rights-of-way of any roads being closed by mailing copies of such notices to the appropriate offices of the public utility or common carrier having jurisdiction over the affected facilities of the public utility or common carrier. Not sooner than 14 days after publication and mailing of notices, the Department of Transportation or the municipality may issue its permit with respect to such road.
- (d) The Department of Transportation shall have the discretion to deny any application submitted pursuant to this section, or it may grant a permit on any condition it deems warranted. The Department, however, shall consider the use of alternate routes available during flooding of the roads, and any inconvenience to the public or temporary loss of access to business, homes and property. The Department shall have the authority to promulgate regulations for the issuance of permits under this section and it may delegate the authority for the consideration, issuance or denial of such permits to the Chief Engineer. Any applicant granted a permit pursuant to this section shall cause suitable markers to be installed on the secondary road to advise the general public of the intermittent closing of the road or roads involved. Such markers shall be located and approved by the Chief Engineer. (1975, c. 639, s. 1; 1977, c. 464, s. 7.1; 2012-85, s. 6.)

#### **§ 136-66.1. Responsibility for streets inside municipalities.**

Responsibility for streets and highways inside the corporate limits of municipalities is hereby defined as follows:

- (1) The State Highway System. - The State highway system inside the corporate limits of municipalities shall consist of a system of major streets and highways necessary to move volumes of traffic efficiently and effectively from points beyond the corporate limits of the municipalities through the municipalities and to major business, industrial, governmental and institutional destinations located inside the municipalities. The Department of Transportation shall be responsible for the maintenance, repair, improvement, widening, construction and reconstruction of this system. These streets and highways within corporate limits are of primary benefit to the State in developing a statewide coordinated system of primary and secondary streets and highways. Each highway division shall develop an annual work plan for maintenance and contract resurfacing, within their respective divisions, consistent with the needs, inasmuch as possible, as identified in the report developed in accordance with G.S. 136-44.3. In developing the annual work plan, the highway division shall give consideration to any special needs or information provided by the municipalities within their respective divisions. The plan shall be made available to the municipalities within the respective divisions upon request.

- (2) The Municipal Street System. - In each municipality the municipal street system shall consist of those streets and highways accepted by the municipality which are not a part of the State highway system. The municipality shall be responsible for the maintenance, construction, reconstruction, and right-of-way acquisition for this system.
- (3) Maintenance of State Highway System by Municipalities. - Any city or town, by written contract with the Department of Transportation, may undertake to maintain, repair, improve, construct, reconstruct or widen those streets within municipal limits which form a part of the State highway system, and may also, by written contract with the Department of Transportation, undertake to install, repair and maintain highway signs and markings, electric traffic signals and other traffic-control devices on such streets. All work to be performed by the city or town under such contract or contracts shall be in accordance with Department of Transportation standards, and the consideration to be paid by the Department of Transportation to the city or town for such work, whether in money or in services, shall be adequate to reimburse the city or town for all costs and expenses, direct or indirect, incurred by it in the performance of such work. The city or town under contract with the Department shall develop an annual work plan for maintenance of the State highway system consistent with the needs, inasmuch as possible, as identified in the report developed in accordance with G.S. 136-44.3. The annual work plan shall be submitted to the respective division engineers and shall be mutually agreeable to both parties.
- (4) If the governing body of any municipality determines that it is in the best interest of its citizens to do so, it may expend its funds for the purpose of making any of the following improvements on streets that are within its corporate limits and form a part of the State highway system:
- a. Construction of curbing and guttering.
  - b. Adding of lanes for automobile parking.
  - c. Constructing street drainage facilities which may by reasonable engineering estimates be attributable to that amount of surface water collected upon and flowing from municipal streets which do not form a part of the State highway system.
  - d. Constructing sidewalks.
  - e. Intersection improvements, if the governing body determines that such improvements will decrease traffic congestion, improve safety conditions, and improve air quality.

In exercising the authority granted herein, the municipality may, with the consent of the Department of Transportation, perform the work itself, or it may enter into a contract with the Department of Transportation to perform such work. Any work authorized by this subdivision shall be financed entirely by the municipality and be approved by the Department of Transportation.

The cost of any work financed by a municipality under this subdivision may be assessed against the properties abutting the street or highway upon which such work was performed in accordance with the procedures of either Article 10 of Chapter 160A of the General Statutes or any charter provisions or local acts applicable to the particular municipality. (1959, c. 687, s. 1; 1969, cc. 798, 978;

1973, c. 507, s. 5; 1975, c. 664, s. 3; 1977, c. 464, s. 7.1; 1987, c. 747, s. 2; 1993 (Reg. Sess., 1994), c. 690, s. 1; 1995, c. 163, s. 14; 2005-382, s. 2.)

**§ 136-66.2. Development of a coordinated transportation system and provisions for streets and highways in and around municipalities.**

- (a) Each municipality, not located within a metropolitan planning organization (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan that will serve present and anticipated travel demand in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of the transportation system. In the development of the plan, consideration shall be given to all transportation modes including, but not limited to, the street system, transit alternatives, bicycle, pedestrian, and operating strategies. The Department of Transportation may provide financial and technical assistance in the preparation of such plans. Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.
- (b) After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.
- (b1) The Department of Transportation may participate in the development and adoption of a transportation plan or updated transportation plan when all local governments within the area covered by the transportation plan have adopted land development plans within the previous five years. The Department of Transportation may participate in the development of a transportation plan if all the municipalities and counties within the area covered by the transportation plan are in the process of developing a land development plan. The Department of Transportation may not adopt or update a transportation plan until a local land development plan has been adopted. A qualifying land development plan may be a comprehensive plan, land use plan, master plan, strategic plan, or any type of plan or policy document that expresses a jurisdiction's goals and objectives for the development of land within that jurisdiction. At the request of the local jurisdiction, the Department may review and provide comments on the plan but shall not provide approval of the land development plan.
- (b2) The municipality or the MPO shall provide opportunity for public comments prior to adoption of the transportation plan.

- (b3) Each county, with the cooperation of the Department of Transportation, may develop a comprehensive transportation plan utilizing the procedures specified for municipalities in subsection (a) of this section. This plan may be adopted by both the governing body of the county and the Department of Transportation. For portions of a county located within an MPO, the development of a comprehensive transportation plan shall take place through the metropolitan planning organization.
- (b4) To complement the roadway element of the transportation plan, municipalities and MPOs may develop a collector street plan to assist in developing the roadway network. The Department of Transportation may review and provide comments but is not required to provide approval of the collector street plan.
- (c) From and after the date that the plan is adopted, the streets and highways designated in the plan as the responsibility of the Department of Transportation shall become a part of the State highway system and all such system streets shall be subject to the provisions of G.S. 136-93, and all streets designated in the plan as the responsibility of the municipality shall become a part of the municipal street system.
- (d) For municipalities not located within an MPO, either the municipality or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board. For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.
- (e) Until the adoption of a comprehensive transportation plan that includes future development of the street system in and around municipalities, the Department of Transportation and any municipality may reach an agreement as to which existing or proposed streets and highways within the municipal boundaries shall be added to or removed from the State highway system.
- (f) Streets within municipalities which are on the State highway system as of July 1, 1959, shall continue to be on that system until changes are made as provided in this section.
- (g) The street and highway elements of the plans developed pursuant to G.S. 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a). (1959, c. 687, s. 2; 1969, c. 794, s. 3; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2001-168, s. 1.)

**§ 136-66.3. Local government participation in improvements to the State transportation system.**

(a) Municipal Participation Authorized. - A municipality may, but is not required to, participate in the right-of-way and construction cost of a State transportation improvement approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the municipality or its extraterritorial jurisdiction.

(b) Process for Initiating Participation. - A municipality interested in participating in the funding of a State highway improvement project may submit a proposal to the Department of Transportation. The Department and the municipality shall include their respective responsibilities for a proposed municipal participation project in any agreement reached concerning participation.

(c) Type of Participation Authorized. - A municipality is authorized and empowered to acquire land by dedication and acceptance, purchase, or eminent domain, and make improvements to portions of the State transportation system lying within or outside the municipal corporate limits utilizing local funds that have been authorized for that purpose. All improvements to State

transportation systems shall be done in accordance with the specifications and requirements of the Department of Transportation.

(c1) Repealed by Session Laws 2013-183, s. 4.5, effective July 1, 2013.

(c2) Distribution of State Funds Made Available by County or Municipal Participation. - Any State or federal funds allocated to a project that are made available by county or municipal participation in a project contained in the Transportation Improvement Program under G.S. 143B-350(f)(4) shall be subject to G.S. 136-189.11.

(c3) Repealed by Session Laws 2013-183, s. 4.5, effective July 1, 2013.

(c4) Pedestrian Safety Improvements. - The Department of Transportation shall accept and use any funding provided by a municipal government for a pedestrian safety improvement project on a State road within the municipality's limits, provided the municipality funds one hundred percent (100%) of the project and the Department of Transportation retains the right to approve the design and oversee the construction, erection, or installation of the pedestrian safety improvement.

(d) Authorization to Participate in Development-Related Improvements. - When in the review and approval by a local government of plans for the development of property abutting a State transportation system it is determined by the municipality that improvements to the State highway system are necessary to provide for the safe and orderly movement of traffic, the local government is authorized to construct, or have constructed, said improvements to the State transportation system in vicinity of the development. For purposes of this section, improvements include but are not limited to additional travel lanes, turn lanes, curb and gutter, drainage facilities, and other transportation system improvements. All improvements to a State transportation system shall be constructed in accordance with the specifications and requirements of the Department of Transportation and be approved by the Department of Transportation.

(e) Authorization to Participate in Project Additions. - Pursuant to an agreement with the Department of Transportation, a county or municipality shall reimburse the Department of Transportation for the cost of all improvements requested by the county or municipality, including additional rights-of-way, streets, highway improvement projects, or other transportation system improvements approved by the Board of Transportation under G.S. 143B-350(f)(4), that are in addition to those improvements that the Department of Transportation would normally include in the project. Requests for safety enhancements or efforts to facilitate the flow of traffic shall not be considered improvements under this subsection unless the enhancement or effort is in excess of the standard required by law.

(e1) Reimbursement Procedure. - Upon request of the county or municipality, the Department of Transportation shall allow the local government a period of not less than three years from the date construction of a project undertaken under subsection (e) of this section is initiated to reimburse the Department their agreed upon share of the costs necessary for the project. The Department of Transportation shall not charge a local government any interest during the initial three years.

(f) Report to General Assembly. - The Department shall report in writing, on an annual basis, to the Joint Legislative Transportation Oversight Committee on all agreements entered into between counties, municipalities and the Department of Transportation. The report shall state in summary form the contents of the agreements. The information in the report required by this subsection shall be set forth separately for each division of the Department of Transportation.

(g) Local Government Acquisition of Rights-of-Way. - In the acquisition of rights-of-way for any State street, highway, or other transportation project, the county or municipality shall be



vested with the same authority to acquire such rights-of-way as is granted to the Department of Transportation in this Chapter. In the acquisition of such rights-of-way, counties and municipalities may use the procedures provided in Article 9 of this Chapter, and wherever the words "Department of Transportation" appear in Article 9 they shall be deemed to include "county," "municipality" or local governing body, and wherever the words "Administrator," "Administrator of Highways," "Administrator of the Department of Transportation," or "Chairman of the Department of Transportation" appear in Article 9 they shall be deemed to include "county or municipal clerk". It is the intention of this subsection that the powers herein granted to municipalities for the purpose of acquiring rights-of-way shall be in addition to and supplementary to those powers granted in any local act or in any other general statute, and in any case in which the provisions of this subsection or Article 9 of this Chapter are in conflict with the provisions of any local act or any other provision of any general statute, then the governing body of the county or municipality may in its discretion proceed in accordance with the provisions of such local act or other general statute, or, as an alternative method of procedure, in accordance with the provisions of this subsection and Article 9 of this Chapter.

(h) Department Authority Concerning Rights-of-Way. - In the absence of an agreement, the Department of Transportation shall retain authority to pay the full cost of acquiring rights-of-way where the proposed project is deemed important to a coordinated State transportation system.

(i) Changes to Local Government Participation Agreement. - Either the local government or the Department of Transportation may at any time propose changes in the agreement setting forth their respective responsibilities by giving notice to the other party, but no change shall be effective until it is adopted by both the municipal governing body and the Department of Transportation.

(j) Local Governments Party to Rights-of-Way Proceeding. - Any municipality that agrees to contribute any part of the cost of acquiring rights-of-way for any State transportation system shall be a proper party in any proceeding in court relating to the acquisition of such rights-of-way.

(k) Repealed by Session Laws 2008-180, s. 6, effective August 4, 2008. (1959, c. 687, s. 3; 1965, c. 867; 1967, c. 1127; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1987, c. 747, s. 3; 1989, c. 595, ss. 2, 3; 1991, c. 21, s. 1; 2000-188, s. 1; 2001-245, s. 2; 2008-180, s. 6; 2009-266, s. 23; 2010-37, s. 1; 2013-183, s. 4.5; 2015-241, ss. 29.5(a), 29.12(f).)

#### **§ 136-66.4. Rules and regulations; authority of municipalities.**

The Department of Transportation shall have authority to adopt such rules and regulations as are necessary to carry out the responsibilities of the Department of Transportation under this Article, and municipalities shall have and may exercise such authority as is necessary to carry out their responsibilities under this Article. (1959, c. 687, s. 4; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-66.5. Improvements in urban areas to reduce traffic congestion.**

(a) The Department of Transportation is authorized to enter into contracts with municipalities for improvement projects which are a part of an overall plan authorized under the provisions of section 135 of Title 23 of the United States Code, the purpose of which is to facilitate the flow of people and goods in urban areas. In connection with these contracts, the Department of Transportation and the municipalities are authorized to enter into contracts for improvement projects on the municipal system of streets, and pursuant to contract with the municipalities, the Department of

Transportation is authorized to construct or to let to contract the said improvement projects on streets on the municipal street system or other transportation system; provided that no portion of the cost of the improvements made on the municipal system shall be paid from Department of Transportation funds except the proportionate share of funds received from the United States Department of Transportation and allocated for the purposes set out in section 135 of Title 23 of the United States Code. Pursuant to contract with the Department of Transportation, the municipalities may construct or let to contract the said improvement projects on the municipal system and the Department of Transportation is authorized to pay over to the municipalities the proportionate share of funds received pursuant to section 135 of Title 23 of the United States Code; provided that no portion of the costs of the improvements made on the municipal system shall be paid for from the State Highway Fund except those received from the United States Department of Transportation and allocated for the purpose set out in section 135 of Title 23 of the United States Code.

- (b) The municipalities are authorized to enter into contracts with the Department of Transportation for improvement projects which are a part of an overall plan authorized under the provisions of section 135 of Title 23 of the United States Code, the purpose of which is to facilitate the flow of traffic in urban areas, on the State highway system streets within the municipalities with the approval of the United States Department of Transportation. Pursuant to contract for the foregoing improvement projects, the municipalities are authorized to construct or let to contract the said improvement projects and the Department of Transportation is authorized to reimburse the municipalities for the cost of the construction of the said improvement projects.
- (c) The municipalities in which improvements are made pursuant to section 135 of Title 23 of the United States Code shall provide proper maintenance and operation of such completed projects and improvements on the municipal system streets and other transportation infrastructure or will provide other means for assuring proper maintenance and operation as is required by the Department of Transportation. In the event the municipality fails to maintain such project or provide for their proper maintenance, the Department of Transportation is authorized to maintain the said projects and improvements and deduct the cost from allocations to the municipalities made under the provisions of G.S. 136-41.1. (1969, c. 794, s. 1; 1973, c. 507, ss. 5, 19; 1977, c. 464, s. 7.1; 2009-266, s. 24.)

#### **§ 136-67. Neighborhood public roads.**

All those portions of the public road system of the State which have not been taken over and placed under maintenance or which have been abandoned by the Department of Transportation, but which remain open and in general use as a necessary means of ingress to and egress from the dwelling house of one or more families, and all those roads that have been laid out, constructed, or reconstructed with unemployment relief funds under the supervision of the Department of Health and Human Services, and all other roads or streets or portions of roads or streets whatsoever outside of the boundaries of any incorporated city or town in the State which serve a public use and as a means of ingress or egress for one or more families, regardless of whether the same have ever been a portion of any State or county road system, are hereby declared to be neighborhood public roads and they shall be subject to all of the provisions of G.S. 136-68, 136-69 and 136-70 with respect to the alteration, extension, or discontinuance thereof, and any interested party is authorized to institute such proceeding, and in lieu of personal service with respect to this class of roads, notice by publication once a week in any newspaper published in said county, or in the event



there is no such newspaper, by posting at the courthouse door and three other public places, shall be deemed sufficient: Provided, that this definition of neighborhood public roads shall not be construed to embrace any street, road or driveway that serves an essentially private use, and all those portions and segments of old roads, formerly a part of the public road system, which have not been taken over and placed under maintenance and which have been abandoned by the Department of Transportation and which do not serve as a necessary means of ingress to and egress from an occupied dwelling house are hereby specifically excluded from the definition of neighborhood public roads, and the owner of the land, burdened with such portions and segments of such old roads, is hereby invested with the easement or right-of-way for such old roads heretofore existing.

Upon request of the board of county commissioners of any county, the Department of Transportation is permitted, but is not required, to place such neighborhood public roads as above defined in a passable condition without incorporating the same into the State or county system, and without becoming obligated in any manner for the permanent maintenance thereof.

This section shall not authorize the reopening on abandoned roads of any railroad grade crossing that has been closed by order of the Department of Transportation in connection with the building of an overhead bridge or underpass to take the place of such grade crossing. (1929, c. 257, s. 1; 1933, c. 302; 1941, c. 183; 1949, c. 1215; 1957, c. 65, s. 11; 1969, c. 982; 1973, c. 476, s. 138; c. 507, s. 5; 1977, c. 464, s. 7.1; 1997-443, s. 11A.122.)

#### **§ 136-68. Special proceeding for establishment, alteration or discontinuance of cartways, etc.; petition; appeal.**

The establishment, alteration, or discontinuance of any cartway, church road, mill road, or like easement, for the benefit of any person, firm, association, or corporation, over the lands of another, shall be determined by a special proceeding instituted before the clerk of the superior court in the county where the property affected is situated. Such special proceeding shall be commenced by a petition filed with said clerk and the service of a copy thereof on the person or persons whose property will be affected thereby. From any final order or judgment in said special proceeding, any interested party may appeal to the superior court for a jury trial de novo on all issues including the right to relief, the location of a cartway, tramway or railway, and the assessment of damages. The procedure established under Chapter 40A, entitled "Eminent Domain," shall be followed in the conduct of such special proceeding insofar as the same is applicable and in harmony with the provisions of this section. (1879, c. 82, s. 9; Code, s. 2023; Rev., s. 2683; C.S., s. 3835; 1931, c. 448; 1995, c. 513, s. 1.)

#### **§ 136-69. Cartways, tramways, etc., laid out; procedure.**

(a) If any person, firm, association, or corporation shall be engaged in the cultivation of any land or the cutting and removing of any standing timber, or the working of any quarries, mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private cemetery, or taking action preparatory to the operation of any such enterprises, to which there is leading no public road or other adequate means of transportation, other than a navigable waterway, affording necessary and proper means of ingress thereto and egress therefrom, such person, firm, association, or corporation may institute a special proceeding as set out in the preceding section (G.S. 136-68), and if it shall be made to appear to the court necessary, reasonable and just that

such person shall have a private way to a public road or watercourse or railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not less than 18 feet in width and not more than 30 feet in width, or cableways, chutes, and flumes, and assess the damages the owner or owners of the land crossed may sustain thereby, and make report of their findings in writing to the clerk of the superior court. Exceptions to said report may be filed by any interested party and such exceptions shall be heard and determined by the clerk of the superior court. The clerk of the superior court may affirm or modify said report, or set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners shall acquire any rights under said proceeding.

(b) **(See editor's note)** Compensation to the landowner for the establishment of a cartway over the property of another shall be as provided in Chapter 40A Article 4 of the North Carolina General Statutes.

(c) Where a tract of land lies partly in one county and partly in an adjoining county, or where a tract of land lies wholly within one county and the public road nearest or from which the most practical roadway to said land would run, lies in an adjoining county and the practical way for a cartway to said land would lead over lands in an adjoining county, then and in that event the proceeding for the laying out and establishing of a cartway may be commenced in either the county in which the land is located or the adjoining county through which said cartway would extend to the public road, and upon the filing of such petition in either county the clerk of the court shall have jurisdiction to proceed for the appointment of a jury from the county in which the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of land to be reached by the cartway and the entire length of the cartway are all located within the bounds of said county in which the petition may be filed. (1798, c. 508, s. 1, P.R.; 1822, c. 1139, s. 1, P.R.; R.C., c. 101, s. 37; 1879, c. 258; Code, s. 2056; 1887, c. 46; 1903, c. 102; Rev., s. 2686; 1909, c. 364, s. 1; 1917, c. 187, s. 1; c. 282, s. 1; C.S., s. 3836; 1921, c. 135; Ex. Sess., 1921, c. 73; 1929, c. 197, s. 1; 1931, c. 448; 1951, c. 1125, s. 1; 1961, c. 71; 1965, c. 414, s. 1; 1981, c. 826, s. 1; 1995, c. 513, ss. 2, 3a; 2019-215, s. 1.)

#### **§ 136-70. Alteration or abandonment of cartways, etc., in same manner.**

Cartways or other ways established under this Article or heretofore established, may be altered, changed, or abandoned in like manner as herein provided for their establishment upon petition instituted by any interested party: Provided, that all cartways, tramways, or railways established for the removal of timber shall automatically terminate at the end of a period of five years, unless a greater time is set forth in the petition and the judgment establishing the same. (1798, c. 508, ss. 1, 2, 3, P.R.; 1834, c. 16, s. 1; R.C., c. 101, s. 38; Code, s. 2057; 1887, c. 46, s. 2; c. 266; Rev., s. 2694; C.S., s. 3837; 1931, c. 448; 1995, c. 513, s. 3.)

#### **§ 136-71.6. How Article cited.**

This Article may be cited as the North Carolina Bicycle and Bikeway Act of 1974. (1973, c. 1447, s. 1.)

**§ 136-71.11. Designation of bikeways.**

Bikeways may be designated along and upon the public roads. (1973, c. 1447, s. 5.)

**§ 136-72. Load limits for bridges; penalty for violations.**

The Department of Transportation shall have authority to determine the safe load-carrying capacity for any and all bridges on highways on the State highway system. It shall be unlawful for any person, firm, or corporation to drive, operate or tow on any bridge on the State highway system, any vehicle or combination of vehicles with a gross weight exceeding the safe load-carrying capacity established by the Department of Transportation and posted at each end of the said bridge. Any person, firm, or corporation violating the provisions of this section shall be guilty of a Class 1 misdemeanor. (1931, c. 145, s. 16; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1975, c. 373, s. 1; 1977, c. 306, c. 464, s. 7.1; 1993, c. 539, s. 985; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-76.1. Bridge replacement program.**

- (a) The Department of Transportation is hereby directed to replace all bridges on the State highway system containing long through truss spans over 125 feet long with less than a 12 feet clear roadway width. The Department shall initiate a bridge replacement program as soon as possible and shall complete the replacement program of all such bridges by June 30, 1980. All such bridges now on the State highway system shall be replaced except those on roads where the traffic volume is low and the elimination of the bridge would be a minimum inconvenience to the public and the replacement cannot be justified. Such bridges not replaced shall be removed and taken off the State highway system. Provided, that the provisions of this subsection shall not apply to any bridge which has not been removed and replaced by June 30, 1980; these bridges shall continue to be included in the State Highway System, and shall be examined, repaired if necessary, updated and put into usable condition with weight limitations as safety may require.
- (b) The Environment [Environmental] Policy Act contained in Article 1 of Chapter 113A shall not apply to the bridge replacement program provided for by this section. (1975, c. 889; 1977, c. 464, s. 7.1; 1981, c. 861.)

**§ 136-80. Fastening vessels to bridges misdemeanor.**

If any person shall fasten any decked vessel or steamer to any bridge that crosses a navigable stream, he shall be guilty of a Class 1 misdemeanor, and in the case of a bridge that crosses a county line, may be prosecuted in either county. (R.S., c. 104; R.C., c. 101, s. 31; 1858-9, c. 58, s. 1; Code, s. 2050; 1887, c. 93, s. 3; Rev., s. 3774; C.S., s. 3804; 1993, c. 539, s. 986; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-81. Department of Transportation may maintain footways.**

The Department of Transportation shall have the power to erect and maintain adequate footways over swamps, waters, chasms, gorges, gaps, or in any other places whatsoever, whenever said Department of Transportation shall find that such footways are necessary, in connection with the use of the highways, for the safety and convenience of the public. (1817, c. 940, ss. 1, 2, P.R.; R.C., c. 101, s. 17; Code, s. 2029; Rev., s. 2695; C.S., s. 3785; 1921, c. 2; 1931, c. 145; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-82. Department of Transportation to establish and maintain ferries.**

(a) Powers of Department. - The Department of Transportation is vested with authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system, whenever in its discretion the public good may require, and shall prescribe and collect tolls on ferry routes in accordance with subsection (b) of this section. In addition, and to accomplish the purpose of this section, the Department of Transportation is authorized to acquire, own, lease, charter, or otherwise control all necessary vessels, boats, terminals, or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms, or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department of Transportation represent the fair value of the public service rendered.

(b) Tolling of Certain Ferry Routes. - The Board of Transportation shall establish tolls on the passenger-only Hatteras-Ocracoke ferry route. The Board of Transportation shall continue tolling the following ferry routes:

- (1) Southport-Fort Fisher.
- (2) Cedar Island-Ocracoke.
- (3) Swan Quarter-Ocracoke.

(b1) Untolled Ferry Routes. - Except as provided in subsection (b) of this section, ferry routes are exempt from tolls. The Board of Transportation shall not establish tolls on a ferry route exempt from tolls.

(b2) Emergency Suspension of Tolling. - The Secretary of Transportation may suspend the collection of tolls for any ferry route serving an emergency area, as declared pursuant to G.S. 166A-19.20 or G.S. 166A-19.22, for the duration of the state of emergency.

(c) Revisions of Tolls. - The Board of Transportation may change toll rates or toll-setting methodology. The Department of Transportation shall report to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and all affected local transportation planning organizations 30 days prior to any change in toll rates or change in the toll setting methodology by the Board of Transportation.

(d) Use of Toll Proceeds. - The Department of Transportation shall credit the proceeds from tolls collected on North Carolina Ferry System routes and certain receipts generated under subsection (f) of this section to reserve accounts within the Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited proportionately to each reserve account based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited to each reserve account shall be used exclusively for prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or supplement

funds allocated for ferry passenger vessel replacement projects approved in the Transportation Improvement Program.

(e) Repealed by Session Laws 2016-94, s. 35.1(a), effective July 1, 2016.

(f) Authority to Generate Certain Receipts. - The Department of Transportation, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and, except as otherwise provided in subsection (f1) of this section, use the proceeds for ferry passenger vessel replacement projects in the manner set forth in subsection (d) of this section:

- (1) Operation of, concessions on the ferries and at ferry facilities to provide to passengers on the ferries food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the ferry system.
- (2) Sponsorships, including, but not limited to, the sale of naming rights to any ferry vessel, ferry route, or ferry facility.
- (3) Advertising on or within any ferry vessel or at any ferry facility, including, but not limited to, display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
- (4) Any other receipt-generating activity not otherwise forbidden by applicable law pertaining to public health or safety.

The Department may issue rules to implement this subsection.

(f1) Use of Receipts Generated From Shipyard. - The Department of Transportation shall credit the proceeds from receipts generated under subsection (f) of this section from activities performed by the North Carolina State Shipyard to a reserve account within the Highway Fund to be used exclusively for improvements to the Shipyard, including equipment and associated infrastructure. Notwithstanding the restrictions on the use of proceeds set forth in subsections (d) and (f) of this section, the Department may use a proportional amount of the proceeds credited to each reserve account described in subsection (d) of this section to replace or repair equipment in accordance with this subsection if there is an insufficient amount of funds in the reserve account within the Highway Fund for the Shipyard.

(f2) Reserve Account and Disposition of Marine Vessels. - There is created in the Highway Fund a Ferry Systemwide reserve account. The funds in the account shall be used for the acquisition or construction of marine vessels to maintain existing service capacity by replacing marine vessels that have reached the end of their useful life, as determined by the Department of Transportation. The Department of Transportation shall decommission and dispose of a marine vessel subject to replacement in a timely manner after the replacement marine vessel is operationalized. Notwithstanding any provision of law to the contrary, any proceeds received from the disposition of a marine vessel shall be credited to the reserve account established under this subsection. Nothing in this subsection shall be construed as prohibiting the Department of Transportation from using funds held in the reserve account established under this subsection to supplement funds credited to a reserve account under subsection (d) of this section to use exclusively for prioritized Ferry System ferry passenger vessel replacement projects in the Highway Division in which the funds credited to the reserve account under subsection (d) of this section are earned. For purposes of this subsection, the term "marine vessels" means tugs, barges, dredges, and ferries other than passenger-only vessels.

(f3) Priority Boarding Fee for Certain Vehicles. - For vehicles providing commercial goods and services, the Department of Transportation shall charge an annual fee of one hundred fifty

dollars (\$150.00) for an annual pass that entitles the vehicle or vehicles owned by the person issued the annual pass to priority when boarding a ferry vessel. Except as authorized under this subsection, the Department of Transportation shall not provide priority boarding to a ferry vessel to any vehicle providing commercial goods and services.

(g) Confidentiality of Personal Information. - Identifying information obtained by the Department related to operation of the ferry system is not a public record under Chapter 132 of the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial information, transaction history, and information related to the collection of a toll or user fee from a person, including, but not limited to, photographs or other recorded images or automatic vehicle identification or driver account information generated by radio-frequency identification or other electronic means. The Department may use identifying information only for purposes of collecting and enforcing tolls. Nothing in this section is intended to limit the right of any person to examine that person's own account information, or the right of any party, by authority of a proper court order, to inspect and examine identifying information. (1927, c. 223; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1989, c. 752, s. 101; 1995, c. 211, s. 1; 2011-145, s. 31.30(a); 2012-142, s. 24.18(a); 2013-360, s. 34.13(b); 2014-58, s. 11(a); 2014-115, s. 56.5; 2015-241, s. 29.23A; 2016-94, s. 35.1(a); 2017-57, s. 34.28B; 2018-136, 3rd Ex. Sess., s. 5.14.)

**§ 136-82.2: Repealed by Session Laws 2010-133, s. 1, effective December 1, 2010.**

**§ 136-88. Authority of county commissioners with regard to ferries and toll bridges; rights and liabilities of owners of ferries or toll bridges not under supervision of Department of Transportation.**

Subject to the provisions of G.S. 136-67, 136-99, and 153-198, the boards of commissioners of the several counties are vested, in regard to the establishment, operation, maintenance, and supervision of ferries and toll bridges on public roads not under the supervision and control of the Department of Transportation, with all the power and authority regarding ferries and toll bridges vested by law in county commissioners on the thirty-first day of March, 1931. And the owners or operators of ferries or toll bridges not under the supervision and control of the Department of Transportation shall be entitled to the same rights, powers, and privileges, and subject to the same duties, responsibilities and liabilities, to which owners or operators of ferries or toll bridges were entitled or were subject on the thirty-first day of March, 1931. (1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)



**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway and bridge construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls. (2002-133, s. 1.)

**§ 136-89.182. North Carolina Turnpike Authority.**

- (a) Creation. - There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.
- (b) Administrative Placement. - The Authority shall be located within the Department of Transportation and shall be subject to and under the direct supervision of the Secretary of Transportation.
- (c) Authority Board. - The North Carolina Turnpike Authority shall be governed by a nine-member Authority Board consisting of two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation. Each appointing authority shall appoint members who reside in diverse regions of the State. The Chair of the Authority shall be selected by the Authority Board.
- (d) Board of Transportation Members. - Members of the North Carolina Board of Transportation may serve as members of the Authority Board.
- (e) Staggered Terms. - One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and three of the initial appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and one of the initial appointments of the Governor shall be appointed to terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.
- (f) Vacancies. - All members of the Authority Board shall remain in office until their successors are appointed and qualified. The original appointing authority may appoint a member to serve out the unexpired term of any member.

- (g) Removal of Board Members. - Each member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the appointing authority. The Chair of the Authority serves at the pleasure of the Authority Board.
- (h) Conflicts of Interest, Ethics. - Members of the Authority Board shall be subject to the provisions of G.S. 136-13, 136-13.1, and 136-14.
- (i) Compensation. - The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.
- (j) Bylaws. - The Authority Board shall adopt, change, or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be included in the Annual Report as required by G.S. 136-89.193.
- (k) Executive Director and Administrative Employees. - The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Executive Director or his designee shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the compensation of administrative employees as the Executive Director deems necessary to carry out this Article.
- (l) Office. - The offices of the Authority may be housed in one or more facilities of the Department of Transportation. (2002-133, s. 1; 2009-343, ss. 1, 2; 2011-145, s. 28.35(c).)

#### **§ 136-89.183. Powers of the Authority.**

- (a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:
  - (1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.
  - (2) To study, plan, develop, and undertake preliminary design work on Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain no more than eleven projects, which shall include the following:
    - a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and the Western Wake Freeway in Wake and Durham Counties. The described segments constitute one project.
    - b. Repealed by Session Laws 2013-183, s. 5.1, effective July 1, 2013.
    - c. Monroe Connector/Bypass.
    - d., e. Repealed by Session Laws 2013-183, s. 5.1, effective July 1, 2013.
    - f. Repealed by Session Laws 2008-225, s. 4, effective August 17, 2008.
 Any other project proposed by the Authority in addition to the projects listed in this subdivision requires prior consultation with the Joint Legislative Commission on Governmental Operations pursuant to G.S. 120-76.1 no less than 180 days prior to initiating the process required by Article 7 of Chapter 159 of the General Statutes.



With the exception of the two projects set forth in sub subdivisions a. and c. of this subdivision, the Turnpike projects selected for construction by the Turnpike Authority, prior to the letting of a contract for the project, shall meet the following conditions: (i) two of the projects must be ranked in the top 35 based on total score on the Department produced list entitled "Mobility Fund Project Scores" dated June 6, 2012, and, in addition, may be subject to G.S. 136-18(39a); (ii) of the projects not ranked as provided in (i), one may be subject to G.S. 136-18(39a); (iii) the projects shall be included in any applicable locally adopted comprehensive transportation plans; (iv) the projects shall be shown in the current State Transportation Improvement Program; and (v) toll projects must be approved by all affected Metropolitan Planning Organizations and Rural Transportation Planning Organizations for tolling.

- (3) Repealed by Session Laws 2005-275, s. 2, effective August 12, 2005.
- (4) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.
- (5) To fix, revise, charge, retain, enforce, and collect tolls and fees for the use of the Turnpike Projects. Thirty days prior to the effective date of any toll or fee for use of a Turnpike Facility, the Authority shall submit a description of the proposed toll or fee to the Board of Transportation, the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations for review.
- (6) To issue bonds or notes of the Authority as provided in this Article.
- (6a) To invest the proceeds of bonds or notes of the Authority that are pending disbursement or other idle funds of the Authority in any investment authorized by G.S. 159-30.
- (7) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.
- (8) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.
- (9) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, the State or its political subdivisions, local governments, or any other public or private sources available.
- (10) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).
- (11) To utilize employees of the Department; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.
- (12) To receive and use appropriations from the State and federal government.
- (13) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

- (14) To perform or procure any portion of services required by the Authority.
- (15) To use officers, employees, agents, and facilities of the Department for the purposes and upon the terms as may be mutually agreeable.
- (16) To contract for the construction, maintenance, and operation of a Turnpike Project.
- (17) To enter into partnership agreements with the Department of Transportation, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project. An agreement entered under this subdivision requires the concurrence of the Board of Transportation if the Department of Transportation is a party to the agreement.
- (18) To utilize incentives in any contract for development or construction of a Turnpike Project, in order to promote expedited delivery of the project.
- (19) To enter into reciprocal toll enforcement agreements with other toll agencies, as provided in G.S. 136-89.220.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority Board present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director or the Executive Director's designee, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director or the Director's designee. (2002-133, s. 1; 2005-275, s. 2; 2006-228, s. 5; 2006-230, s. 1(b); 2008-225, s. 4; 2011-7, s. 1; 2011-145, s. 28.32(e); 2011-391, s. 56; 2012-85, s. 9; 2013-94, s. 1; 2013-183, ss. 5.1, 5.3; 2015-241, ss. 29.12(a), 29.15A.)

#### **§ 136-89.48. Declaration of policy.**

The General Assembly hereby finds, determines, and declares that this Article is necessary for the immediate preservation of the public peace, health and safety, the promotion of the general welfare, the improvement and development of transportation facilities in the State, the elimination of hazards at grade intersections, and other related purposes. (1957, c. 993, s. 1.)

#### **§ 136-89.49. Definitions.**

When used in this Article:

- (1) "Department" means the Department of Transportation.
- (2) "Controlled-access facility" means a State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access.
- (3) "Frontage road" means a way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (1957, c. 993, s. 2; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.50. Authority to establish controlled-access facilities.**

The Department of Transportation may designate, establish, abandon, improve, construct, maintain and regulate controlled-access facilities as a part of the State highway system, National System of Interstate Highways, and Federal Aid Primary System whenever the Department of Transportation determines that traffic conditions, present or future, justify such controlled-access facilities, or the abandonment thereof. (1957, c. 993, s. 3; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.51. Design of controlled-access facility.**

The Department of Transportation is authorized so to design any controlled-access facility and so to regulate, restrict, or prohibit access as best to serve the traffic for which such facility is intended. In this connection the Department of Transportation is authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, or stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time by the Department of Transportation. (1957, c. 993, s. 4; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.52. Acquisition of property and property rights.**

For the purposes of this Article, the Department of Transportation may acquire private or public property and property rights for controlled-access facilities and service or frontage roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation in the same manner as now or hereafter authorized by law to acquire such property or property rights in connection with highways. The property rights acquired under the provisions of this Article may be in fee simple or an appropriate easement for right-of-way in perpetuity. In connection with the acquisition of property or property rights for any controlled-access facility or portion thereof, or frontage road in connection therewith, the Department of Transportation may, in its discretion, with the consent of the landowner, acquire an entire lot, parcel, or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, parcel, or tract is not immediately needed for the right-of-way proper.

Along new controlled-access highway locations, abutting property owners shall not be entitled to access to such new locations, and no abutter's easement of access to such new locations shall attach to said property. Where part of a tract of land is taken or acquired for the construction of a controlled-access facility on a new location, the nature of the facility constructed on the part taken, including the fact that there shall be no direct access thereto, shall be considered in determining the fair market value of the remaining property immediately after the taking. (1957, c. 993, s. 5; 1969, c. 946; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.53. New and existing facilities; grade crossing eliminations.**

The Department of Transportation may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a controlled-access facility. When an existing street or highway shall be designated as and included within a controlled-access facility the owners of land abutting such existing street or highway shall be entitled to compensation for the taking of or injury to their easements of access. The Department of Transportation shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing State highways and county roads, and city and town streets, by grade separation or frontage road, or by closing off such roads and streets, or other public ways at the right-of-way boundary line of such controlled-access facility; and after the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. No street or [of] any city or town and no State highway, county road, or other public way shall be opened into or connected with any such controlled-access facility without the consent and previous approval of the Department of Transportation. Such consent and approval shall be given only if the public interest shall be served thereby. (1957, c. 993, s. 6; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.54. Authority of local units to consent.**

The Department of Transportation, as the highway authority of the State, and the governing body of any county, city or town are authorized, after a public hearing to be held in the county affected, to enter into agreements with each other, and the Department of Transportation is authorized to enter into agreements with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulations, or vacation of controlled-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this Article. (1957, c. 993, s. 7; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-89.55. Local service roads.**

In connection with the development of any controlled-access facility the Department of Transportation is authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service or frontage roads and streets or to designate as local service or frontage roads and streets any existing road or street, and to exercise jurisdiction over service or frontage roads in the same manner as is authorized over controlled-access facilities under the terms of this Article, if in its opinion such local service or frontage roads and streets are necessary or desirable; provided, however that after a local service or frontage road has been established, the same shall not be vacated or abandoned in such a manner as to reduce access to the facility without the consent of the abutting property owners or the payment of just compensation, so long as the controlled-access facility is maintained as such facility, and the Department of Transportation shall not have any authority to control or restrict the right of access of abutting property owners from their property to such local service or frontage roads or streets without the property owners' consent or the payment of just compensation, except such authority as the Department of Transportation has with respect to primary and secondary roads under the police power. Such local service or frontage roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable. (1957, c. 993, s. 8; 1969, c. 795; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-89.56. Commercial enterprises.**

No commercial enterprises or activities shall be authorized or conducted by the Department of Transportation, or the governing body of any city or town, within or on the property acquired for or designated as a controlled-access facility, as defined in this Article, except for:

- (1) Materials displayed at welcome centers which shall be directly related to travel, accommodations, tourist-related activities, tourist-related services, and attractions. The Department of Transportation shall issue rules regulating the display of these materials. These materials may contain advertisements for real estate; and
- (2) Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. In order to permit the establishment of adequate fuel and other service facilities by private owners or their lessees for the users of a controlled-access facility, the Department of Transportation shall permit access to service or frontage roads within the publicly owned right-of-way of any controlled-access facility established or designated as provided in this Article, at points which, in the opinion of the Department of Transportation, will best serve the public interest. The location of such fuel and other service facilities may be indicated to the users of the controlled-access facilities by appropriate signs, the size, style, and specifications of which shall be determined by the Department of Transportation.

The location of fuel, gas, food, lodging, camping, and attraction facilities may be indicated to the users of the controlled-access facilities by appropriate logos placed on signs owned, controlled, and erected within the right-of-way of fully and partially controlled-access highways by the Department of Transportation. The owners, operators or lessees of fuel, gas, food, lodging, camping, and attraction facilities who wish to place a logo identifying their business or service on a sign shall furnish a logo meeting the size, style and specifications determined by the Department of Transportation and shall pay the Department of Transportation a fee set by the Board of Transportation. The Board shall set the fee to cover the initial costs of signs, sign installation, and maintenance, and the costs of administering the logo sign program. The Transportation Mobility and Safety Division of the Department of Transportation shall administer the logo sign program, including receiving requests for information concerning the logo sign program. (1957, c. 993, s. 9; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1981, c. 481, s. 1; 1983, c. 604, s. 1; 1985, c. 456; c. 718, ss. 2, 3, 6; 1987, c. 417, s. 2; 1996, 2nd Ex. Sess., c. 18, s. 19.10(b); 1997-443, s. 11A.118(a); 2003-184, s. 2; 2014-100, s. 34.14(a); 2015-239, s. 1.)

**§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways and other controlled-access facilities.**

On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access facilities it shall be unlawful for any person:

- (1) To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose by the Department of Transportation.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or as designated parking areas.
- (6) To willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way of said highways.
- (7) Repealed by Session Laws 1999-330, s. 6.

Any person who violates any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1959, c. 647; 1965, c. 474, s. 2; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; c. 731, s. 2; 1993, c. 539, s. 988; 1994, Ex. Sess., c. 24, s. 14(c); 1999-330, s. 6.)

**§ 136-89.59. Highway rest area refreshments.**

All civic, nonprofit, or charitable corporations and organizations are authorized to serve nonalcoholic refreshments to motorists at rest areas and welcome centers located on control-access facilities in accordance with the following conditions:

- (1) Thirty-day permits shall be issued without cost by the Highway Division Engineer. Permits shall be subject to revocation by the Chief Engineer for violations of this section. The applicant must be a nonprofit organization showing a record of concern for automotive, highway, or driver safety.
- (2) The activity must be carried on solely within the safety rest area free from any ramp or other service used for the movement of vehicles.
- (3) The activity must be conducted for the express purpose of improving the safety of highway travel and the advertisement of any product by any organization shall not be permitted.
- (4) The refreshment and any other service offered must be free of charge to the motorist.
- (5) Signs shall be displayed by the corporation or organization, and the Department of Transportation is hereby authorized to promulgate rules and regulations governing the size, content and location of such signs. (1973, c. 1346; 1977, c. 464, s. 7.1; 1981, c. 545, ss. 1, 2; 2012-85, s. 7.)

**§ 136-89.199. Designation of high-occupancy toll and managed lanes.**

(a) Authority. - Notwithstanding any other provision of this Article, the Authority may designate one or more lanes of any highway, or portion thereof, within the State, including lanes that may previously have been designated as HOV lanes under G.S. 20-146.2, as high-occupancy toll (HOT) or other type of managed lanes; provided, however, that such designation shall not reduce the number of existing non-toll general purpose lanes. In making such designations, the Authority shall specify the high-occupancy requirement or other conditions for use of such lanes, which may include restricting vehicle types, access controls, or the payment of tolls for vehicles that do not meet the high-occupancy requirements or conditions for use.

(b) Reporting. - At least 90 days prior to the letting of a contract for the designation of a HOT lane or other type of managed lane under subsection (a) of this section, the Authority shall submit a report to the Joint Legislative Transportation Oversight Committee detailing (i) the reasoning for the designation of the HOT lane or other type of managed lane and (ii) the terms of the contract that will be let. The reporting requirement in this subsection does not apply to any project proposed by the Authority that is subject to the reporting requirement set forth in G.S. 136-89.183(a)(2). (2013-183, s. 5.5; 2013-410, s. 38(e); 2018-5, s. 34.5(b).)

**§ 136-90. Obstructing highways and roads misdemeanor.**

If any person shall willfully alter, change or obstruct any highway, cartway, mill road or road leading to and from any church or other place of public worship, whether the right-of-way thereto be secured in the manner provided for by law or by purchase, donation or otherwise, such person shall be guilty of a Class 1 misdemeanor. If any person shall hinder or in any manner interfere with the making of any road or cartway laid off according to law, he shall be guilty of a Class 1 misdemeanor. (1872-3, c. 189, s. 6; 1883, c. 383; Code, s. 2065; Rev., s. 3784; C.S., s. 3789; 1993, c. 539, s. 989; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-91. Placing glass, etc., or injurious obstructions in road.**

(a) No person shall throw, place, or deposit any glass or other sharp or cutting substance or any injurious obstruction in or upon any highway or public vehicular area.

(b) As used in this section:

(1) "Highway" shall be defined as it is in G.S. 20-4.01; and

(2) "Public vehicular area" shall be defined as it is in G.S. 20-4.01.

(c) Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor. (1917, c. 140, ss. 18, 21; C.S., ss. 2599, 2619; 1971, c. 200; 1993, c. 539, s. 990; 1994, Ex. Sess., c. 24, s. 14(c); 2001-441, s. 3.)

**§ 136-92. Obstructing highway drains prohibited.**

It is unlawful to obstruct a drain along or leading from any public road in the State. A person who violates this section is responsible for an infraction. (1917, c. 253; C.S., s. 3791; 1993, c. 539, s. 991; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 163, s. 15.)



**§ 136-93. Openings, structures, pipes, trees, and issuance of permits.**

(a) No opening or other interference whatsoever shall be made in any State road or highway other than streets not maintained by the Department of Transportation in cities and towns, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or removed except in accordance with a written permit from the Department of Transportation or its duly authorized officers, who shall exercise complete and permanent control over such roads and highways. No State road or State highway, other than streets not maintained by the Department of Transportation in cities and towns, shall be dug up for laying or placing pipes, conduits, sewers, wires, railways, or other objects, and no obstruction placed thereon, without a written permit as hereinbefore provided for, and then only in accordance with the regulations of said Department of Transportation or its duly authorized officers or employees; and the work shall be under the supervision and to the satisfaction of the Department of Transportation or its officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons, firms, or corporations to whom the permit is given, or by whom the work is done. The Department of Transportation, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this section, require the applicant to file a satisfactory bond, payable to the State of North Carolina, in such an amount as may be deemed sufficient by the Department of Transportation or its duly authorized officers, conditioned upon the proper compliance with the requirements of this section by the person, firm, or corporation granted such permit. Any person making any opening in a State road or State highway, or placing any structure thereon, or changing or removing any structure thereon without obtaining a written permit as herein provided, or not in compliance with the terms of such permit, or otherwise violating the provisions of this section, shall be guilty of a Class 1 misdemeanor: Provided, this section shall not apply to railroad crossings. The railroads shall keep up said crossings as now provided by law.

(b) Except as provided in G.S. 136-133.1(g), no vegetation, including any tree, shrub, or underbrush, in or on any right-of-way of a State road or State highway shall be planted, cut, trimmed, pruned, or removed without a written selective vegetation removal permit issued pursuant to G.S. 136-133.2 and in accordance with the rules of the Department. Requests for a permit for selective vegetation cutting, thinning, pruning, or removal shall be made by the owner of an outdoor advertising sign or the owner of a business facility to the appropriate person in the Division of Highways office on a form prescribed by the Department. For purposes of this section, G.S. 136-133.1, 136-133.2, and 136-133.4, the phrase "outdoor advertising" shall mean the outdoor advertising expressly permitted under G.S. 136-129(4) or G.S. 136-129(5). These provisions shall not be used to provide visibility to on-premises signs.

(c) For outdoor advertising, vegetation cut or removal limits shall be restricted to a maximum selective vegetation cut or removal zone for each sign face pursuant to the provisions of G.S. 136-133.1.

(d) If the application for vegetation cutting, thinning, pruning, or removal is for a site located within the corporate limits of a municipality, the municipality shall be given 30 days to review and provide comments on the application if the municipality has previously advised the Department in writing of the desire to review such applications and the name of the local official to whom notice of such application should be directed. (1921, c. 2, s. 13; 1923, c. 160, s. 2; C.S., s. 3846(u); 1933, c. 172, s. 17; 1943, c. 410; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1993, c. 539, s. 992; 1994, Ex. Sess., c. 24, s. 14(c); 2011-397, s. 1; 2014-115, s. 11.)



**§ 136-93.1. Express permit review program.**

- (a) Program Created. - The Department shall develop a fee-supported express permit review program in each highway division. The program is voluntary for permit applicants and applies to permits, approvals, or certifications that allow for a connection to the State highway system through the use of a driveway, street, signal, drainage, or any other encroachment.
- (b) Implementation. - An individual highway division may opt out of the express permit review program created under this section if the highway division routinely reviews and issues special commercial permits within an average of 45 days. Any express permit review program created under this section shall be supported by the fees established pursuant to subsection (e) of this section.
- (c) Procedure. - In reviewing a permit application under the express permit review program, the Department shall undergo the following steps:
  - (1) The Department shall, within three business days of receipt, determine whether an express permit review application is complete. If the Department determines the express permit review application is not complete, the Department shall return the express permit review application and all fees to the permit applicant to allow for a complete express permit review application to be resubmitted to the Department.
  - (2) If the Department determines the express permit review application is complete, the Department shall, within 45 days, issue or deny the permit based upon its review of the application. Failure of the Department to issue or deny the permit within 45 days is a denial of the express permit review application.
- (d) Staffing. - In order to implement the express permit review program, the Department may utilize either of the following or a combination thereof:
  - (1) Existing Department staff and resources.
  - (2) Contracted engineering firms supporting each highway division to provide express permit reviews, comments, and recommendations for issuing express permits. If the Department utilizes contracted engineering firms to provide work under this section, any fees received by the Department pursuant to subsection (e) of this section shall be credited towards the cost of the Department utilizing these contracted engineering firms. Any additional costs associated with engaging the contracted engineering firm shall be agreed to by the permit applicant prior to incurring the costs and shall be paid by the permit applicant.
- (e) Fees. - The Department may determine the fees for an express application review under the express review program conducted by highway division staff. Unless a contracted engineering firm is utilized, the maximum permit application fee to be charged under this section for an express review of a project application requiring all of the permits listed under subsection (a) of this section shall not exceed four thousand dollars (\$4,000). Notwithstanding Chapter 150B of the General Statutes, the Department shall establish the procedure by which the amount of the fees under this subsection are established and applied for an express review program permitted by this section. The fee schedule established by the Department shall be applicable to all divisions participating in an express permit review program.

- (f) Use of Fees. - All fees collected under this section shall be used to fund the cost of administering and implementing express permit review programs created under this section. These costs include the salaries of the program's staff and costs of contracted engineering firms.
- (g) Repealed by Session Laws 2011-145, s. 28.35(a), effective July 1, 2011. (2008-176, s. 1; 2011-145, s. 28.35(a).)

**§ 136-94. Gates projecting over rights-of-way forbidden.**

It shall be unlawful for any person, firm or corporation to erect, maintain or operate upon his own land, or the land of another, any farm gate or other gate which, when opened, will project over the right-of-way of any State highway.

Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor. (1927, c. 130; 1993, c. 539, s. 993; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 136-95. Water must be diverted from public road by ditch or drain.**

When any ditch or drain is cut in such a way as to turn water into any public road, the person cutting the ditch or drain shall be compelled to cut another ditch or drain as may be necessary to take the water from said road. (Code, s. 2036; Rev., s. 2697; C.S., s. 3790.)

**§ 136-96. Road or street not used within 15 years after dedication deemed abandoned; declaration of withdrawal recorded; joint tenants or tenants in common; defunct corporations.**

Every strip, piece, or parcel of land which shall have been at any time dedicated to public use as a road, highway, street, avenue, or for any other purpose whatsoever, by a deed, grant, map, plat, or other means, which shall not have been actually opened and used by the public within 15 years from and after the dedication thereof, shall be thereby conclusively presumed to have been abandoned by the public for the purposes for which same shall have been dedicated; and no person shall have any right, or cause of action thereafter, to enforce any public or private easement therein, except where such dedication was made less than 20 years prior to April 28, 1953, such right may be asserted within one year from and after April 28, 1953; provided, that no abandonment of any such public or private right or easement shall be presumed until the dedicator or some one or more of those claiming under him shall file and cause to be recorded in the register's office of the county where such land lies a declaration withdrawing such strip, piece or parcel of land from the public or private use to which it shall have theretofore been dedicated in the manner aforesaid; provided further, that where the fee simple title is vested in tenants in common or joint tenants of any land embraced within the boundaries of any such road, highway, street, avenue or other land dedicated for public purpose whatsoever, as described in this section, any one or more of such tenants, on his own or their behalf and on the behalf of the others of such tenants, may execute and cause to be registered in the office of the register of deeds of the county where such land is situated the declaration of withdrawal provided for in this section, and, under Chapter 46 of the General Statutes of North Carolina, entitled "Partition," and Chapter 1, Article 29A of the General Statutes of North Carolina, known as the "Judicial Sales Act," and on petition of any one or more of such tenants such land thereafter may be partitioned by sale only as between or among such tenants, and irrespective of who may be in actual possession of such land, provided further, that in such

partition proceedings any such tenants in common or joint tenants may object to such withdrawal certificate and the court shall thereupon order the same cancelled of record; that where any corporation has dedicated any strip, piece or parcel of land in the manner herein set out, and said dedicating corporation is not now in existence, it shall be conclusively presumed that the said corporation has no further right, title or interest in said strip, piece, or parcel of land, regardless of the provisions of conveyances from said corporation, or those holding under said corporation, retaining title and interest in said strip, piece, or parcel of land so dedicated; the right, title and interest in said strip, piece, or parcel of land shall be conclusively presumed to be vested in those persons, firms or corporations owning lots or parcels of land adjacent thereto, subject to the provisions set out herein before in this section.

The provisions of this section shall have no application in any case where the continued use of any strip of land dedicated for street or highway purposes shall be necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of such street or highway. This section shall apply to dedications made after as well as before April 28, 1953.

The provisions of this section shall not apply when the public dedication is part of a future street shown on the street plan adopted pursuant to G.S. 136-66.2. Upon request, a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under G.S. 136-66.2. This resolution shall be attached to the declaration of withdrawal and shall be registered in the office of the register of deeds of the county where the land is situated. (1921, c. 174; C.S., ss. 3846(rr), 3846(ss), 3846(tt); 1939, c. 406; 1953, c. 1091; 1957, c. 517; 1987, c. 428.)

#### **§ 136-97. Responsibility of counties for upkeep, etc., terminated.**

- (a) The board of county commissioners or other road-governing bodies of the various counties in the State are hereby relieved of all responsibility or liability for the upkeep or maintenance of any of the roads or bridges thereon constituting the State highway system, after the same shall have been taken over, and the control thereof assumed by the Department of Transportation.
- (b) The Department of Transportation, as part of maintaining the highways, bridges, and watercourses of this State, may haul all debris removed from on, under, or around a bridge to an appropriate disposal site for solid waste, where the debris shall be disposed of in accordance with law. (1921, c. 2, s. 50; C.S., s. 3846(dd); 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, ss. 5, 20; 1977, c. 464, s. 7.1; 1989, c. 752, s. 102; 1989 (Reg. Sess., 1990), c. 1066, s. 139; 1991, c. 689, s. 209.)

#### **§ 136-102. Billboard obstructing view at entrance to school, church or public institution on public highway.**

- (a) It shall be unlawful for any person, firm, or corporation to construct or maintain outside the limits of any city or town in this State any billboard larger than six square feet at or nearer than 200 feet to the point where any walk or drive from any school, church, or public institution located along any highway enters such highway except under the following conditions:
  - (1) Such billboard is attached to the side of a building or buildings which are or may be erected within 200 feet of any such walk or drive and the attachment thereto causes no additional obstruction of view.
  - (2) A building or other structure is located so as to obstruct the view between such walk or drive and such billboard.

- (3) Such billboard is located on the opposite side of the highway from the entrance to said walk or drive.
- (b) Any person, firm, or corporation convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor and punished only by a fine of ten dollars (\$10.00), and each day that such violation continues shall be considered a separate offense. (1947, c. 304, ss. 1, 2; 1993, c. 539, s. 994; 1994, Ex. Sess., c. 24, s. 14 (c).)

**§ 136-102.2. Authorization required for test drilling or boring upon right-of-way; filing record of results with Department of Transportation.**

No person, firm or corporation shall make any test drilling or boring upon the right-of-way of any transportation system, under the jurisdiction of the Department of Transportation, until written authorization has been obtained from the owner or the person in charge of the land on which the highway easement is located. A complete record showing the results of the test drilling or boring shall be filed forthwith with the chairman [Secretary] of the Department of Transportation and shall be a public record. This section shall not apply to the Department of Transportation making test drilling or boring for highway purposes only. (1967, c. 923, s. 1; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2009-266, s. 25.)

**§ 136-102.5. Signs on fishing bridges.**

When requested to do so by any county or municipality that has enacted an ordinance under G.S. 153-9(66) and 160-200(47) regulating or prohibiting fishing on any bridge of the North Carolina State highway system, the Department of Transportation shall erect signs on such bridges indicating the prohibition or regulation of the ordinance enacted under G.S. 153-9(66) and 160-200(47). (1971, c. 690, s. 5; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

**§ 136-102.6. Compliance of subdivision streets with minimum standards of the Board of Transportation required of developers.**

(a) The owner of a tract or parcel of land which is subdivided from and after October 1, 1975, into two or more lots, building sites, or other divisions for sale or building development for residential purposes, where such subdivision includes a new street or the changing of an existing street, shall record a map or plat of the subdivision with the register of deeds of the county in which the land is located. The map or plat shall be recorded prior to any conveyance of a portion of said land, by reference to said map or plat.

(b) The right-of-way of any new street or change in an existing street shall be delineated upon the map or plat with particularity and such streets shall be designated to be either public or private. Any street designated on the plat or map as public shall be conclusively presumed to be an offer of dedication to the public of such street.

(c) The right-of-way and design of streets designated as public shall be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the State highway system. If a municipal or county subdivision control ordinance is in effect in the area proposed for subdivision, the map or plat required by this section shall not be recorded by the register of deeds until after it has received final plat approval by the municipality or county, and until after it has received a certificate of approval by the Division of

Highways as herein provided as to those streets regulated in subsection (g). The certificate of approval may be issued by a district engineer of the Division of Highways of the Department of Transportation.

(d) The right-of-way and construction plans for such public streets in residential subdivisions, including plans for street drainage, shall be submitted to the Division of Highways for review and approval, prior to the recording of the subdivision plat in the office of the register of deeds. The plat or map required by this section shall not be recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if determined to be necessary by the Review Officer, a certificate of approval by the Division of Highways of the plans for the public street as being in accordance with the minimum standards of the Board of Transportation for acceptance of the subdivision street on the State highway system for maintenance. The Review Officer shall not certify a map or plat subject to this section unless the new streets or changes in existing streets are designated either public or private. The certificate of approval shall not be deemed an acceptance of the dedication of the streets on the subdivision plat or map. Final acceptance by the Division of Highways of the public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation. The Board of Transportation must approve the addition of subdivision street improvements designated as public to the State highway system for maintenance pursuant to this subsection within 90 days after the Department of Transportation receives a petition for road addition and the Department determines those subdivision streets meet the minimum standards of the Board of Transportation.

(e) No person or firm shall place or erect any utility in, over, or upon the existing or proposed right-of-way of any street in a subdivision to which this section applies, except in accordance with the Division of Highway's policies and procedures for accommodating utilities on highway rights-of-way, until the Division of Highways has given written approval of the location of such utilities. Written approval may be in the form of exchange of correspondence until such times as it is requested to add the street or streets to the State system, at which time an encroachment agreement furnished by the Division of Highways must be executed between the owner of the utility and the Division of Highways. The right of any utility placed or located on a proposed or existing subdivision public street right-of-way shall be subordinate to the street right-of-way, and the utility shall be subject to regulation by the Department of Transportation. Utilities are defined as electric power, telephone, television, telegraph, water, sewage, gas, oil, petroleum products, steam, chemicals, drainage, irrigation, and similar lines. Any utility installed in a subdivision street not in accordance with the Division of Highways accommodation policy, and without prior approval by the Division of Highways, shall be removed or relocated at no expense to the Division of Highways.

(f) Prior to entering any agreement or any conveyance with any prospective buyer, the developer and seller shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgment of receipt of a separate instrument known as the subdivision streets disclosure statement (hereinafter referred to as disclosure statement). Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts. If the street is designated by the developer and seller as a public street, the developer and seller shall certify that the right-of-way and design of the street has been approved by the Division of Highways, and that the street has been or will be constructed by the developer and seller in accordance with the standards for subdivision streets adopted by the Board of Transportation for acceptance on the highway system. If the street is designated by the developer

and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. The disclosure statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgment of receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.

(g) The provisions of this section shall apply to all subdivisions located outside municipal corporate limits. As to subdivisions inside municipalities, this section shall apply to all proposed streets or changes in existing streets on the State highway system as shown on the comprehensive plan for the future development of the street system made pursuant to G.S. 136-66.2, and in effect at the date of approval of the map or plat.

(h) The provisions of this section shall not apply to any subdivision that consists only of lots located on Lakes Hickory, Norman, Mountain Island and Wylie which are lakes formed by the Catawba River which lots are leased upon October 1, 1975. No roads in any such subdivision shall be added to the State maintained road system without first having been brought up to standards established by the Board of Transportation for inclusion of roads in the system, without expense to the State. Prior to entering any agreement or any conveyance with any prospective buyer of a lot in any such subdivision, the seller shall prepare and sign, and the buyer shall receive and sign an acknowledgment of receipt of a statement fully and completely disclosing the status of and the responsibility for construction and maintenance of the road upon which such lot is located.

(i) The purpose of this section is to insure that new subdivision streets described herein to be dedicated to the public will comply with the State standards for placing subdivision streets on the State highway system for maintenance, or that full and accurate disclosure of the responsibility for construction and maintenance of private streets be made. This section shall be construed and applied in a manner which shall not inhibit the ability of public utilities to satisfy service requirements of subdivisions to which this section applies.

(j) The Division of Highways and district engineers of the Division of Highways of the Department of Transportation shall issue a certificate of approval for any subdivision affected by a transportation corridor official map established by the Board of Transportation only if the subdivision conforms to Article 2E of this Chapter or conforms to any variance issued in accordance with that Article.

(k) A willful violation of any of the provisions of this section shall be a Class 1 misdemeanor. (1975, c. 488, s. 1; 1977, c. 464, ss. 7.1, 8; 1987, c. 747, s. 21; 1993, c. 539, s. 996; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 4; 1998-184, s. 3; 2021-121, s. 9(a).)

#### **§ 136-102.7. Hurricane evacuation standard.**

Evacuation Standard. - The hurricane evacuation standard to be used for any bridge or highway construction project pursuant to this Chapter shall be no more than 18 hours, as recommended by the State Emergency Management officials. (2005-275, s. 5.)



**§ 136-102.8. Subdivision streets; traffic calming devices.**

The Department shall establish policies and procedures for the installation or utilization of traffic tables or traffic calming devices erected on State-maintained subdivision streets adopted by the Department, pursuant to G.S. 136-102.6, if all of the following requirements are met:

- (1) A traffic engineering study has been approved by the Department detailing types and locations of traffic calming devices.
- (2) Installation and utilization of traffic tables or traffic calming devices is within one of the following areas:
  - a. A subdivision with a homeowners association.
  - b. A neighborhood in which the property owners have established a contractual agreement outlining responsibility for traffic calming devices installed in the neighborhood.
- (3) The traffic tables or traffic calming devices are paid for and maintained by the subdivision homeowners association, or its successor, or pursuant to a neighborhood agreement.
- (4) The homeowners association has the written support, for the installation of each traffic table or traffic calming device approved by the Department pursuant to this section, of at least sixty percent (60%) of the member property owners, or the neighborhood agreement is signed by at least sixty percent (60%) of the neighborhood property owners.
- (5) The homeowners association, or neighborhood pursuant to its agreement, posts a performance bond with the Department sufficient to fund maintenance or removal of the traffic tables or calming devices, if the homeowners association, or neighborhood pursuant to its agreement, fails to maintain them, or is dissolved. The bond shall remain in place for a period of three years from the date of installation. (2009-310, s. 1; 2015-217, s. 2.)

**§ 136-127. Declaration of policy.**

The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the right-of-way of the interstate and primary highway systems within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices, and to secure the right of validly permitted outdoor advertising to be clearly viewed by the traveling public. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for the regulation and control of outdoor advertising. (1967, c. 1248, s. 2; 1999-404, s. 6; 2011-397, s. 9.)

## **§ 136-128. Definitions.**

As used in this Article:

- (1) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (1a) "Illegal sign" means one which was erected and/or maintained in violation of State law.
- (1b) "Information center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Department of Transportation may consider desirable.
- (2) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within the State, as officially designated, or as may hereafter be so designated, by the Department of Transportation, or other appropriate authorities and are also so designated by interstate numbers. As to highways under construction so designated as interstate highways pursuant to the above procedures, the highway shall be a part of the interstate system for the purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal authorities.
- (2a) "Nonconforming sign" shall mean a sign which was lawfully erected but which does not comply with the provisions of State law or State rules and regulations passed at a later date or which later fails to comply with State law or State rules or regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.
- (3) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary system, whether the same be permanent or portable installation.
- (4) "Primary systems" means the federal-aid primary system in existence on June 1, 1991, and any highway which is not on that system but which is on the National Highway System. As to highways under construction so designated as primary highways pursuant to the above procedures, the highway shall be a part of the primary system for purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal or State authorities.
- (5) "Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.
- (6) "State law" means a State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to a State Constitution or statute.
- (7) "Unzoned area" shall mean an area where there is no zoning in effect.
- (8) "Urban area" shall mean an area within the boundaries or limits of any incorporated municipality having a population of five thousand or more as determined by the latest available federal census.



- (9) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity. (1967, c. 1248, s. 3; 1973, c. 507, s. 5; 1975, c. 568, ss. 1-4; 1977, c. 464, s. 7.1; 1997-456, s. 27; 1999-404, s. 7; 2000-101, s. 1.)

**§ 136-129. Limitations of outdoor advertising devices.**

No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway systems in this State so as to be visible from the main-traveled way thereof after the effective date of this Article as determined by G.S. 136-140, except the following:

- (1) Directional and other official signs and notices, which signs and notices shall include those authorized and permitted by Chapter 136 of the General Statutes, which include but are not limited to official signs and notices pertaining to natural wonders, scenic and historic attractions and signs erected and maintained by a public utility, electric or telephone membership corporation, or municipality for the purpose of giving warning of or information as to the location of an underground cable, pipeline or other installation.
- (2) Outdoor advertising which advertises the sale or lease of property upon which it is located.
- (2a) Outdoor advertising which advertises the sale of any fruit or vegetable crop by the grower at a roadside stand or by having the purchaser pick the crop on the property on which the crop is grown provided: (i) the sign is no more than two feet long on any side; (ii) the sign is located on property owned or leased by the grower where the crop is grown; (iii) the grower is also the seller; and (iv) the sign is kept in place by the grower for no more than 30 days.
- (3) Outdoor advertising which advertises activities conducted on the property upon which it is located.
- (4) Outdoor advertising, in conformity with the rules and regulations promulgated by the Department of Transportation, located in areas which are zoned industrial or commercial under authority of State law.
- (5) Outdoor advertising, in conformity with the rules and regulations promulgated by the Department of Transportation, located in unzoned commercial or industrial areas. (1967, c. 1248, s. 4; 1972, c. 507, s. 5; 1975, c. 568, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 946, s. 1; 1999-404, s. 8.)

**§ 136-129.1. Limitations of outdoor advertising devices beyond 660 feet.**

No outdoor advertising shall be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway systems in this State outside of the urban areas so as to be visible and intended to be read from the main-traveled way except the following:

- (1) Directional and other official signs and notices, which signs and notices shall include those authorized and permitted by Chapter 136 of the General Statutes, which include but are not limited to official signs and notices pertaining to natural wonders, scenic and historic attractions and signs erected and maintained by a public utility, electric or telephone membership corporation, or municipality for the purpose of giving warning of or information as to the location of an underground cable, pipeline or other installation.
- (2) Outdoor advertising which advertises the sale or lease of property upon which it is located.
- (3) Outdoor advertising which advertises activities conducted on the property upon which it is located. (1975, c. 568, s. 6; 1999-404, s. 9.)

**§ 136-129.2. Limitation of outdoor advertising devices adjacent to scenic highways, State and National Parks, historic areas and other places.**

(a) In addition to the limitations contained in G.S. 136-129 and G.S. 136-129.1, in order to further the purposes set forth in Article 10 of this Chapter and to promote the reasonable, orderly, and effective display of outdoor advertising devices along highways adjacent to scenic and historical areas, while protecting the public investment in these highways and promoting the safety and recreational value of public travel, and to preserve natural beauty, no outdoor advertising sign shall be erected adjacent to any highway which is either:

- (1)
  - a. A scenic highway or scenic byway designated by the Board of Transportation;
  - b. Within 1,200 feet, on the same side of the highway, of the boundary line of a North Carolina State Park, a National Park, a State or national wildlife refuge, or a designated wild and scenic river; or
  - c. Within 500 feet, on the same side of the highway, of the boundary lines of any historic districts and other properties listed in the National Register of Historic Places or State rest areas, or within the boundary lines of any historic district;except as permitted under G.S. 136-129(1), (2), (2a), or (3); or
- (2) Within one-third of the applicable distances under sub-subdivision (a)(1)b. and (a)(1)c. of this section, along the opposite side of the highway from any of the properties designated in sub-subdivision (a)(1)b. and (a)(1)c. of this section, except as permitted under G.S. 136-129(1), (2), (2a), (3), (4), or (5).

(b) The distances set forth in this section shall be measured horizontally in linear feet extending in each direction along the edge of the pavement of the highway from any point on the boundary of the subject property, or any point on the opposite side of the highway perpendicular to any point on the boundary line of the subject property.

(c) As used in sub-subdivision (a)(1)b. and (a)(1)c. of this section, the term "highway" means a highway that is designated as a part of the interstate or federal-aid primary highway system

as of June 1, 1991, or any highway which is or becomes a part of the National Highway System. (1993, c. 524, s. 1.)

#### **§ 136-130. Regulation of advertising.**

The Department of Transportation is authorized to promulgate rules and regulations in the form of ordinances governing:

- (1) The erection and maintenance of outdoor advertising permitted in G.S. 136-129,
- (2) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.1,
- (2a) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.2,
- (3) The specific requirements and procedures for obtaining a permit for outdoor advertising as required in G.S. 136-133 and for the administrative procedures for appealing a decision at the agency level to refuse to grant or in revoking a permit previously issued, and
- (4) The administrative procedures for appealing a decision at the agency level to declare any outdoor advertising illegal and a nuisance as pursuant to G.S. 136-134, as may be necessary to carry out the policy of the State declared in this Article. (1967, c. 1248, s. 5; 1973, c. 507, s. 5; 1975, c. 568, s. 7; 1977, c. 464, ss. 7.1, 31; 1993, c. 524, s. 2.)

#### **§ 136-131. Removal of existing nonconforming advertising.**

The Department of Transportation is authorized to acquire by purchase, gift, or condemnation all outdoor advertising and all property rights pertaining thereto which are prohibited under the provisions of G.S. 136-129, 136-129.1 or 136-129.2, provided such outdoor advertising is in lawful existence on the effective date of this Article as determined by G.S. 136-140, or provided that it is lawfully erected after the effective date of this Article as determined by G.S. 136-140.

In any acquisition, purchase or condemnation, just compensation to the owner of the outdoor advertising, where the owner of the outdoor advertising does not own the fee, shall be limited to the fair market value at the time of the taking of the outdoor advertising owner's interest in the real property on which the outdoor advertising is located and such value shall include the value of the outdoor advertising.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee or other interest in the real property upon which the outdoor advertising is located where said owner does not own the outdoor advertising located thereon shall be limited to the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Department of Transportation of the right to maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee in the real property upon which the outdoor advertising is located, where said owner also owns the outdoor advertising located thereon, shall be limited to the fair market value of the outdoor advertising plus the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Department of Transportation of the right to maintain such outdoor advertising

thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration. (1967, c. 1248, s. 6; 1973, c. 507, s. 5; 1975, c. 568, ss. 8-10; 1977, c. 464, s. 7.1; 1993, c. 524, s. 3.)

#### **§ 136-132. Condemnation procedure.**

For the purpose of this Article, the Department of Transportation shall use the procedure for condemnation of real property as provided by Article 9 of Chapter 136 of the General Statutes. (1967, c. 1248, s. 7; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-133. Permits required.**

- (a) No person shall erect or maintain any outdoor advertising within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from the Department of Transportation or its agents pursuant to the procedures set out by rules adopted by the Department of Transportation. The permit shall be valid until revoked for nonconformance with this Article or rules adopted by the Department of Transportation. Any person aggrieved by the decision of the Department of Transportation or its agents in refusing to grant or in revoking a permit may appeal the decision in accordance with the rules adopted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal. The Department of Transportation shall have the authority to charge permit fees to defray the costs of administering the permit procedures under this Article. The fees for directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not exceed a forty dollar (\$40.00) initial fee and a thirty dollar (\$30.00) annual renewal fee. The fees for outdoor advertising structures, as set forth in G.S. 136-129(4) and (5) shall not exceed a one hundred twenty dollar (\$120.00) initial fee and a sixty dollar (\$60.00) annual renewal fee.
- (b) If outdoor advertising is under construction and the Department of Transportation determines that a permit has not been issued for the outdoor advertising, the Department may require that all work on the outdoor advertising cease until the owner of the outdoor advertising shows that the outdoor advertising does not violate this section. The stopwork order shall be prominently posted on the outdoor advertising structure, and no further notice of the stopwork order is required. The failure of an owner of outdoor advertising to comply immediately with the stopwork order shall subject the outdoor advertising to removal by the Department of Transportation or its agents. Outdoor advertising is under construction when it is in any phase of construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public. The cost of removing outdoor advertising by the Department of Transportation or its agents pursuant to this section shall be assessed against the owner of the unpermitted outdoor advertising by the Department of Transportation. No stopwork order may be issued when the Department of Transportation process agent has been served with a court order allowing the sign to be constructed.
- (c) No electrical permit shall be denied to an outdoor advertising sign described in G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has not been revoked, and the electrical permit is otherwise compliant with technical utility standards. (1967, c. 1248, s.

8; 1973, c. 507, s. 5; 1975, c. 568, s. 11; 1977, c. 464, ss. 7.1, 32; 1983, c. 604, s. 2; 1989, c. 677; 1999-404, s. 1; 2011-397, s. 3.)

**§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

- (a) The owner of an outdoor advertising sign permitted under G.S. 136-129(a)(4) [G.S. 136-129(4)] or G.S. 136-129(a)(5) [G.S. 136-129(5)] who obtains a selective vegetation removal permit, and the owner's designees, may cut, thin, prune, or remove vegetation in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4. The maximum cut or removal zone for vegetation for each sign face shall be determined as follows:
- (1) The point located on the edge of the right-of-way that is the closest point to the centerline of the sign face shall be point A.
  - (2) The point located 200 feet down the right-of-way line in the direction of the sign viewing zone shall be point B.
  - (3) The point on the edge of the pavement of the travel way, including acceleration and deceleration ramps, that is the closest to the centerline of the sign shall be point C.
  - (4) The point 50 feet down the edge of the pavement in the direction of the sign viewing zone from point C shall be point D.
  - (5) The point 380 feet down the edge of the pavement in the direction of the sign viewing zone from point C shall be point E; provided, however, the following shall apply within the corporal limits and territorial jurisdiction of any city, as defined in Chapter 160A of the General Statutes:
    - a. On interstates or other routes with fully controlled access, the point 340 feet down the edge of the pavement in the direction of the sign viewing zone from point C shall be point E.
    - b. On highways other than interstates and other routes with fully controlled access, the point 250 feet down the edge of the pavement in the direction of the sign viewing zone from point C shall be point E.
  - (6) Lines drawn from point A to point D and from point B to point E shall define the limits of the vegetation cut or removal area.
- (a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the request of a selective vegetation removal permittee, may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of this section along acceleration or deceleration ramps so long as the view to the outdoor advertising sign will be improved and the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection (a) of this section.
- (b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any tree, shrub, or underbrush within the zone created by points A, B, D, and E. Any existing tree that was in existence at the time that an outdoor advertising structure was erected shall only be eligible for removal in accordance with subsections (c), (d), and (e) of this section. Native dogwoods and native redbuds shall be preserved. For the purposes of this section, an existing tree is defined as a tree that had a diameter of four inches or greater as measured six inches from the ground at the time that the outdoor advertising structure was erected. An outdoor advertising sign is considered erected when the sign is completely constructed with a sign face.

(c) The applicant for a selective vegetation removal permit shall submit to the Department a site plan locating thereon any trees existing at the time that the outdoor advertising sign was erected, as defined in subsection (b) of this section, that are requested to be cut, thinned, pruned, or removed, and noting their species and total caliper inches. The applicant shall also tag, with highly visible material or flagging, any tree that is, at the time of the application for a selective vegetation removal permit, greater than four inches in diameter as measured six inches from the ground and requested to be cut, thinned, pruned, or removed. The selective vegetation removal request may be investigated on-site by Department personnel and a representative of the applicant. In the event that the Department disputes the accuracy of the existing tree information on the site plan noted above, the Department shall notify the applicant in writing and may request the following:

(1) A tree survey.

(2) That the applicant amends the site plan.

(3) That the applicant deletes the trees in dispute from the desired cutting.

If a notice of disputed tree information is received from the Department, the applicant can either employ the services of a North Carolina licensed landscape architect or certified arborist to perform a tree survey, amend the site plan, or notify the Department in writing that any or all of the disputed trees are deleted from the application. If the applicant selects a tree survey, the landscape architect or certified arborist will submit a report under seal that contains a tree inventory of existing trees in the removal zone for the outdoor advertising structure and include the age of any tree that existed at the time that the sign was erected. The report will categorize tree species and include a site map of sufficient detail and dimensions. A tree survey will not be required for subsequent applications to cut, thin, prune, or remove trees at the same site for trees that have been previously permitted. Any dispute relating to whether or not the tree existed at the time the outdoor advertising sign was erected shall be conclusively resolved by information in the report from the licensed landscape architect or certified arborist.

(d) Except as provided in subsection (e) of this section, trees existing at the time the outdoor advertising sign was erected may only be removed within the zone created in subsection (a) of this section if the applicant satisfies one of the following two options selected by the applicant: (i) reimbursement to the Department pursuant to G.S. 136-93.2 or (ii) trees that existed at the time of the erection of the sign may be removed if the applicant agrees to remove two nonconforming outdoor advertising signs for each sign at which removal of existing trees is requested. The surrendered nonconforming signs must be fully disassembled before any removal of existing trees is permitted and shall not be eligible for future outdoor advertising permits in perpetuity.

(e) Removal of trees and vegetation of any age, including complete removal, except for native dogwoods and native redbuds, shall be permitted within the cut or removal zone established in subsection (a) of this section if the applicant for the selective vegetation removal permit, in lieu of compliance with subsection (d) of this section, agrees to submit to the Department a plan for beautification and replanting related to the site for which the vegetation permit request is made. The Department shall develop rules for compensatory replanting, including the criteria for determining which sites qualify for replanting, and shall, in consultation with the applicant and local government representatives, determine which sites must be replanted, and the types of plants and trees to be replanted. The replanting and maintenance shall be conducted by the applicant or his or her agents in accordance with the rules adopted by the Department. If the conditions detailed in this subsection are agreed to by the applicant and approved by the Department, there shall be no reimbursement to the Department under G.S. 136-93.2 for removal of trees that existed at the time

the outdoor sign was erected, nor shall the applicant be required to remove two nonconforming outdoor advertising signs for removal of existing trees at the site.

- (f) Tree branches within a highway right-of-way that encroach into the zone created by points A, B, D, and E may be cut or pruned. Except as provided in subsection (g) of this section, no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut, trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising and within the limits of the highway right-of-way for the purpose of enhancing the visibility of outdoor advertising unless permitted to do so by the Department in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4.
- (g) Notwithstanding any law to the contrary, the owner of an outdoor advertising sign defined by subsection (a) of this section or the owner's designees may, working only from the private property side of the fence, without charge and without obtaining a selective vegetation removal permit, cut, trim, prune, or remove any tree or other vegetation except for native dogwoods or native redbuds that is (i) less than four inches in diameter at the height of the controlled access fence, (ii) located within 200 feet on either side of the existing sign location as defined by point A and point B in G.S. 136-133.1(a)(1) and (2), and (iii) a distance of three feet from a controlled access fence within the limits of the highway right-of-way. The activities permitted by this subsection must be performed from the private property owner side of the controlled access fence and with the consent of the owner of the land that is used to access said fence.
- (h) No additional funds from the Highway Trust Fund shall be used for the purpose of vegetation replacement under the provisions of this section.
- (i) The Department may revoke an outdoor advertising permit for the unlawful destruction or illegal cutting of vegetation within the right-of-way of any State-owned or State-maintained highway only if both of the following conditions are met:
  - (1) The unlawful destruction or illegal cutting occurred within 500 feet of either side of the corresponding sign location measured along the edge of pavement of the main travel way of the nearest controlled route and was willfully caused by one or more of the following:
    - a. The sign owner.
    - b. The permit holder.
    - c. The lessee or advertiser employing the sign.
    - d. Any employees, agents, or assigns of persons listed in sub-subdivisions a. through c. of this subdivision, including, but not limited to, independent contractors hired by any of the above persons, or the owner of the property upon which the sign is located, if expressly authorized by the above persons to use or maintain the sign.
  - (2) There is substantial, material evidence that the unlawful destruction or illegal cutting of vegetation would create, increase, or improve a view to the outdoor advertising sign for passing motorists from the main travel way of the nearest controlled route. (2011-397, s. 4; 2013-413, s. 8(a).)



#### **§ 136-133.2. Issuance or denial of a selective vegetation removal permit.**

Except as provided in G.S. 136-133.1(g), permits to remove vegetation may be granted for outdoor advertising locations that have been permitted for at least two years prior to the date of application. The Department shall approve or deny an application submitted pursuant to this section, including the fee required by G.S. 136-18.7 and all required documentation, within 30 days of the receipt of an application for a selective vegetation removal permit. If written notice of approval or denial is not given to the applicant within the 30-day period, then the application shall be deemed approved. If the application is denied, the Department shall advise the applicant, in writing, by registered or certified mail, return receipt requested, addressed to the party to be noticed, and delivering to the addressee, the reasons for the denial. (2011-397, s. 5.)

#### **§ 136-133.3. Appeals of selective vegetation removal permit decisions.**

- (a) An applicant for a selective vegetation removal permit issued pursuant to G.S. 136-133.2 may appeal a decision of the Department pertaining to the denial or conditioning of a permit for selective vegetation removal pursuant to the provisions of this section.
- (b) Within 30 days of service of the Department's decision to deny or condition a selective vegetation removal permit issued pursuant to G.S. 136-133.4, the applicant shall submit a written appeal to the Secretary of Transportation setting forth with particularity the facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary by registered or certified mail, return receipt requested, addressed to the Secretary, and delivering to the addressee, with a copy to the Department official who issued the decision.
- (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the Department's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and shall render the agency's final decision, supported by findings of fact and conclusions of law. The final agency decision shall be served upon the appealing party by registered or certified mail, return receipt requested, addressed to the applicant, and delivering to the addressee, within 90 days after the Secretary receives the written appeal. A copy of the agency's final decision shall also be delivered to the Department official who issued the initial decision.
- (d) A person aggrieved by a decision made pursuant to this section may seek judicial review of the final agency decision pursuant to G.S. 136-134.1. (2011-397, s. 6.)

#### **§ 136-133.4. Selective vegetation removal permits.**

- (a) Selected vegetation within the approved limits shall be cut, thinned, pruned, or removed by the permittee or the permittee's agent in accordance with accepted International Society of Arboriculture (ISA) standards.
- (b) Permits are valid for a period of one year. The permittee may cut, thin, prune, or remove vegetation more than one time per year. A 48-hour notification shall be provided to the Department by the permittee before entering the right-of-way.
- (c) The permittee, or the permittee's agent, shall not impede the flow of traffic on any highway while performing vegetation removal authorized by a permit. Access to the work site on controlled access highways must be gained without using the main travel way of the highway. The Department shall determine the traffic control signage that may be required. The permittee shall furnish, erect, and maintain the required signs as directed by the Department. The permittee, or the permittee's agent, shall wear safety vests that conform to OSHA standards while performing the work.



- (d) Any damage to vegetation designated to remain at the site, to highway fences, signs, paved areas, or other facilities shall be repaired or replaced by the permittee to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent. All trimmings, laps, and debris shall be removed from the right-of-way and disposed of in areas provided by the permittee. No burning or burying of trimmings, laps, or debris shall be permitted on the highway right-of-way. When chipping is used to dispose of trimmings, chips may be neatly spread on a right-of-way at locations which the Department determines will not be harmful to the environment or affect traffic safety.
- (e) Willful failure to substantially comply with all the requirements specified in the selective vegetation removal permit, unless otherwise mutually resolved by the Department and the permittee, shall result in a five-year moratorium for vegetation removal at the site, a summary revocation of the outdoor advertising permit if such willful failure meets the standards in G.S. 136-133.1(i), payment of Department investigative costs, and forfeiture of any applicable performance bond as determined by the Secretary. The moratorium shall begin upon execution of a settlement agreement or entry of a final disposition in the case. (2011-397, s. 7.)

**§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

- (a) When a district engineer determines that a proposed outdoor advertising structure would not conform to the standards of outdoor advertising as set out in the Outdoor Advertising Control Act, the district engineer shall refuse to issue a permit for that proposed outdoor advertising structure.
- (b) When a violation of the Outdoor Advertising Control Act has been discovered, the district engineer shall notify the permit applicant by registered or certified mail, return receipt requested, addressed to the party to be noticed, and delivering to the addressee, in writing, the reason for the denial and the statutes or rules forming the basis for the denial and include a copy of the Act.
- (c) The Department shall not issue permits for new outdoor advertising signs at a sign location for a period of five years where the unlawful destruction or illegal cutting of vegetation has occurred within 500 feet on either side of the proposed sign location and as measured along the edge of the pavement of the main travel way of the nearest controlled route. For the purposes of this section, unlawful destruction or illegal cutting is defined as the destruction or cutting of trees, shrubs, or other vegetation on the State-owned or State-maintained rights-of-way by anyone other than the Department or its authorized agents, or without written permission of the Department. Before a permit is denied pursuant to this subsection, the Department shall reveal some evidence that the unlawful destruction or illegal cutting would create, increase, or improve a view to a proposed outdoor advertising sign from the main travel way of the nearest controlled route. The five-year period shall begin on the date the Department executes a settlement agreement or final disposition of the case is entered. The five-year prohibition period for a new sign permit shall apply to all sign locations, including the following:
  - (1) Sign locations where the unlawful destruction or illegal cutting of vegetation occurs prior to the time the location becomes a conforming location.
  - (2) Sign locations where a revocation of an existing permit has been upheld and a sign has been removed.
  - (3) Sign locations where the unlawful destruction or illegal cutting occurs prior to receipt of an outdoor advertising permit.

- (4) Sign locations where the unlawful destruction or illegal cutting occurs following receipt of an outdoor advertising permit application, but prior to the issuance of the permit by the Department.
- (d) The Department shall not issue permits for new outdoor advertising signs at a sign location where existing trees, if they were to reach the average mature size for that species, would make the proposed sign faces, when erected, not completely visible from the viewing zone. "Existing trees" are those trees that at the time of the permit application are four inches or greater in diameter as measured six inches from the ground. "Viewing zone" means the area which is 500 feet as measured along the edge of the main travel way of the controlled route on each side of the proposed sign structure which will have a sign face.
- (e) An outdoor advertising permit requested pursuant to G.S. 136-129(a)(4) [G.S. 136-129(4)] shall not be issued to a location if the zoning to commercial or industrial zones was adopted within one year prior to the filing of the permit application and is not part of comprehensive zoning or constitutes spot zoning, which, for purposes of this subsection, shall be defined as zoning designed primarily for the purpose of permitting outdoor advertising signs and in an area which would not normally permit outdoor advertising. Zoning shall not be considered "primarily for the purpose of permitting outdoor advertising signs" if the zoning would permit more than one principal commercial or industrial use, other than outdoor advertising, and the size of the land being zoned can practically support any one of the commercial or industrial uses.
- (f) Outdoor advertising permits shall not be issued to a location for a period of 12 months prior to the proposed letting of a new construction contract that may affect the spacing or location requirements for an outdoor advertising structure until the project is completed. The prohibition authorized by this subsection shall not extend for a period longer than 18 months. Priority in spacing shall be given by the Department to the first submitted application for an outdoor advertising permit at the location.
- (g) Outdoor advertising permits shall not be issued for a location on a North Carolina or United States route designated as a scenic byway. (2011-397, s. 8.)

#### **§ 136-134. Illegal advertising.**

Any outdoor advertising erected or maintained adjacent to the right-of-way of the interstate or primary highway system after the effective date of this Article as determined by G.S. 136-140, in violation of the provisions of this Article or rules adopted by the Department of Transportation, or any outdoor advertising maintained without a permit regardless of the date of erection shall be illegal and shall constitute a nuisance. The Department of Transportation or its agents shall give 30 days' notice to the owner of the illegal outdoor advertising with the exception of the owner of unlawful portable outdoor advertising for which the Department of Transportation shall give five days' notice, if such owner is known or can by reasonable diligence be ascertained, to remove the outdoor advertising or to make it conform to the provisions of this Article or rules adopted by the Department of Transportation hereunder. The Department of Transportation or its agents shall have the right to remove the illegal outdoor advertising at the expense of the owner if the owner fails to remove the outdoor advertising or to make it conform to the provisions of this Article or rules issued by the Department of Transportation within 30 days after receipt of such notice or five days for owners of portable outdoor advertising. The Department of Transportation or its agents may enter upon private property for the purpose of removing the outdoor advertising prohibited by this Article or rules adopted by the Department of Transportation hereunder without civil or

criminal liability. The costs of removing the outdoor advertising, whether by the Department of Transportation or its agents, shall be assessed against the owner of the illegal outdoor advertising by the Department of Transportation. Any person aggrieved by the decision declaring the outdoor advertising structure illegal shall be granted the right to appeal the decision in accordance with the terms of the rules and regulations enacted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal. (1967, c. 1248, s. 9; 1973, c. 507, s. 5; 1975, c. 568, s. 12; 1977, c. 464, ss. 7.1, 32; 1999-404, s. 2.)

#### **§ 136-140.15. Scope of operations.**

- (a) Program. - The Department of Transportation shall administer a tourist-oriented directional signs (TODS) program.
- (b) Definitions. - The following definitions apply in this Article:
  - (1) TODS. - Tourist-oriented directional signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented businesses and tourist-oriented facilities or for classes of businesses or facilities that are tourist-oriented.
  - (2) Tourist-oriented business. - A business, the substantial portion of whose products or services is of significant interest to tourists. The term may include a business involved with seasonal agricultural products. When used in this Article, the term "business" means a tourist-oriented business.
  - (3) Tourist-oriented facility. - A business, service, or activity facility that derives a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility. When used in this Article, the term "facility" means a tourist-oriented facility.
- (c) Limitation. - The Department shall not install TODS for a business or facility if the signs would be required at intersections where, due to the number of conflicting locations of other highway signs or traffic control devices or other physical or topographical features of the roadside, their presence would be impractical or unfeasible or result in an unsafe or hazardous condition.
- (d) Duplication. - If a business or facility is currently shown on another official highway guide sign, such as a logo sign or supplemental guide sign, on the same approach to an intersection where a TODS panel for that business or facility would be located, the business or facility may elect to keep the existing highway guide sign or have it removed and participate in the TODS program. If the business or facility elects to retain the existing highway guide sign, the business or facility is ineligible for the TODS program at that intersection. (2001-383, s. 1.)

#### **§ 136-140.6. Declaration of policy.**

Notwithstanding any other provision of law, the State of North Carolina hereby finds and declares that the removal of certain directional signs, displays, and devices, lawfully erected under State law in force at the time of their erection, which do not conform to the requirements of subsection (C) of 23 U.S.C. 131, which provide directional information about goods and services in the interest of the traveling public, and which were in existence on May 6, 1976, may work a substantial economic hardship in certain defined areas, and shall be exempt according to Section 131 United States Code and the rules and regulations promulgated pursuant thereto. (1977, c. 639.)

#### **§ 136-140.7. Definitions.**

As used in this Article: "Motorist services directional signs" means signs, displays, and devices giving directional information about goods and services in the interest of the traveling public, including but not limited to:

- (1) Places of public lodging;
- (2) Places where food is served to the public on a regular basis;
- (3) Places where automotive fuel or emergency automotive repair services, including truck stops, are regularly available to the public;
- (4) Educational institutions;
- (5) Places of religious worship;
- (6) Public or private recreation areas, including campgrounds, resorts and attractions, natural wonders, wildlife and water fowl refuges, and nature trails;
- (7) Plays, concerts and fairs;
- (8) Antiques, gift and souvenir shops;
- (9) Agricultural products in a natural state, including vegetables and fruit. (1977, c. 639.)

#### **§ 136-140.8. Exemption procedures.**

The North Carolina Department of Transportation shall upon receipt of a declaration, petition, resolution, certified copy of an ordinance, or other clear direction from a board of county commissioners, municipality, county, city, provided that such resolution is not in conflict with existing statute or ordinance, that removal of motorist services directional signs would cause an economic hardship in a defined area, shall forward such declaration, resolution, or finding to the Secretary of the North Carolina Department of Transportation for inclusion as a defined hardship area qualifying for exemption pursuant to 23 U.S.C. 131 (O). Any such declaration or resolution submitted to the North Carolina Department of Transportation shall further find that such motorist service signs provided directional information about goods and services in the interest of the traveling public and shall request the retention by the State of said directional motorist services signs as defined herein. The North Carolina Department of Transportation shall thereupon comply with all regulations issued both now and hereafter by the Federal Highway Administration necessary for application for the exemption provided in 23 U.S.C. 131 (O), provided such motorist services directional signs were lawfully erected under State law at the time of their erection and were in existence on May 5, 1976. The petitioner seeking exemption of those signs defined in G.S. 136-140.7 shall furnish the information required by the United States Department of Transportation to the North Carolina Department of Transportation and the North Carolina Department of Transportation shall request exemption from the United States Department of Transportation. (1977, c. 639.)

#### **§ 136-141. Title of Article.**

This Article may be cited as the Junkyard Control Act. (1967, c. 1198, s. 1.)

#### **§ 136-142. Declaration of policy.**

The General Assembly hereby finds and declares that although junkyards are a legitimate business, the establishment and use and maintenance of junkyards in the vicinity of the interstate and primary highways or within the vicinity of North Carolina routes in counties that have no interstate or federal aid primary highways within the State should be regulated and controlled in order to promote the safety, health, welfare and convenience and enjoyment of travel on and the protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for regulation and control of junkyards. (1967, c. 1198, s. 2; 1993, c. 493, s. 1.)

#### **§ 136-143. Definitions.**

As used in this Article:

- (1) The term "automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this Article.
- (2) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within the State, as now officially designated, or as may hereafter be so designated as interstate system by the Department of Transportation, or other appropriate authorities. As to highways under construction so designated as interstate highways pursuant to the above procedures, the highway shall be a part of the interstate system for the purpose of this Article on the date the location of the highway has been approved finally by the appropriate federal authorities.
- (3) The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- (4) The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of G.S. 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this Article.
- (5) "Primary system" means that portion of connected main highways, as now officially designated, or as may hereafter be so designated as primary system

by the Department of Transportation or other appropriate authorities. As to highways under construction so designated as federal-aid primary highways pursuant to the above procedures, the highway shall be part of the federal-aid primary system for purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal or State authorities.

- (6) "Unzoned area" shall mean an area where there is no zoning in effect.
- (7) "Visible" means capable of being seen without visual aid by a person of normal visual acuity. (1967, c. 1198, s. 3; 1973, c. 507, s. 5; c. 1439, ss. 1-5; 1977, c. 464, s. 7.1.)

#### **§ 136-144. Restrictions as to location of junkyards.**

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a North Carolina route in a county that has no interstate or federal aid primary highways, except the following:

- (1) Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and regulations promulgated by the Department of Transportation.
- (2) Those located within areas which are zoned for industrial use under authority of law.
- (3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the Department of Transportation.
- (4) Those which are not visible from the main-traveled way of an interstate or primary highway or a North Carolina route in a county that does not have an interstate or federal aid primary highway at any season of the year. (1967, c. 1198, s. 4; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1993, c. 493, s. 2.)

#### **§ 136-145. Enforcement provisions.**

Any person, firm, corporation or association that establishes, operates or maintains a junkyard within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, after the effective date of this Article as determined by G.S. 136-155, that does not come within one or more of the exceptions contained in G.S. 136-144 hereof, shall be guilty of a Class 1 misdemeanor, and each day that the junkyard remains within the prohibited distance shall constitute a separate offense. In addition thereto, said junkyard is declared to be a public nuisance and the Department of Transportation may seek injunctive relief in the superior court of the county in which the offense is committed to abate the said nuisance and to require the removal of all junk from the prohibited area. (1967, c. 1198, s. 5; 1973, c. 507, s. 5, c. 1439, s. 6; 1977, c. 464, s. 7.1; 1993, c. 539, s. 999; 1994, Ex. Sess., c. 24, s. 14(c).)



**§ 136-146. Removal of junk from illegal junkyards.**

Any junkyard established after the effective date of this Article as determined by G.S. 136-155, in violation of the provisions of this Article or rules and regulations issued by the Department of Transportation pursuant to this Article, shall be illegal and shall constitute a public nuisance. The Department of Transportation or its agents shall give 30 days' notice to the owner of said junkyard to remove the junk or to make the junkyard to conform to the provisions of this Article or rules and regulations promulgated by the Department of Transportation hereunder. The Department of Transportation or its agents may remove the junk from the illegal junkyard at the expense of the owner if the said owner fails to act within 30 days after receipt of such notice. The Department of Transportation or its agents may enter upon private property for the purpose of removing junk from the junkyards prohibited by this Article without civil or criminal liability. Any person aggrieved by the decision declaring the junkyard illegal shall be granted the right to appeal the decision in accordance with the terms of the rules and regulations enacted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal. (1967, c. 1198, s. 6; 1973, c. 507, s. 5; c. 1439, s. 7; 1977, c. 464, s. 7.1.)

**§ 136-147. Screening of junkyards lawfully in existence.**

Any junkyard lawfully in existence on the effective date of this Article as determined by G.S. 136-155 which does not conform to the requirements for exceptions in G.S. 136-144 hereof, and any other junkyard lawfully in existence along any highway which may be hereafter designated as an interstate or primary highway or a North Carolina route in a county without an interstate or federal aid primary highway and which does not conform to the requirements for exception under G.S. 136-144 hereof, shall be screened, if feasible, by the Department of Transportation at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way in such manner that said junkyard shall not be visible from the main-traveled way of such highways. The Department of Transportation is authorized to acquire fee simple title or any lesser interest in real property for the purpose required by this section, by gift, purchase or condemnation. (1967, c. 1198, s. 7; 1973, c. 507, s. 5; c. 1439, s. 8; 1977, c. 464, s. 7.1; 1993, c. 493, s. 3.)

**§ 136-148. Acquisition of existing junkyards where screening impractical.**

(a) In the event that the Department of Transportation shall determine that screening of any existing junkyard designated in G.S. 136-147 hereof would be inadequate to accomplish the purposes of this Article, the said Department of Transportation is authorized to secure the relocation, removal or disposal of such junkyard by acquiring the fee simple title, or such lesser interest in land as may be necessary, to the land upon which said junkyard is located, through purchase, gift, exchange or condemnation.

(b) The Department of Transportation is authorized to move and relocate junk located on lands within the provisions of this section, and is authorized to pay the costs of such moving or relocation.

(c) The Department of Transportation is authorized to acquire by purchase, gift, exchange or condemnation, fee simple title or any lesser interest in real property for the purpose of placing and relocating the junk required to be moved under this section or permitted by G.S. 136-146 hereof to be removed. The Department of Transportation is authorized to convey in the manner

provided by law for the conveyance of state-owned property, the lands on which junk is to be relocated, to the owner of the junk with or without consideration, under such conditions and reservations as it deems to be in the public interest.

(d) The Department of Transportation is authorized to convey in the manner provided by law for the conveyance of state-owned property any property acquired under the provisions of this section, under such conditions and reservations as it deems to be in the public interest.

(e) The Department of Transportation upon a determination that the same is necessary for the removal of any junkyard which is prohibited by G.S. 136-144 may acquire by gift, exchange, purchase or condemnation, the junk located on any junkyard which is acquired under this section and may acquire by gift, exchange, purchase or condemnation the fee simple title or lesser interest in land for the purpose of storing said junk by the Department of Transportation and may dispose of said junk in any manner which is not inconsistent with this Article. (1967, c. 1198, s. 8; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-149. Permit required for junkyards.**

No person shall establish, operate or maintain a junkyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary system or a North Carolina route in a county that does not have an interstate or federal aid primary highway without obtaining a permit from the Department of Transportation or its agents pursuant to the procedures set out by the rules and regulations promulgated by the Department of Transportation. No permit shall be issued under the provisions of this section for the establishment, operation or maintenance of a junkyard within 1,000 feet to the nearest edge of the right-of-way of interstate or primary system except those junkyards which conform to one or more of the exceptions of G.S. 136-144. The permit shall be valid until revoked for the nonconformance of this Article or rules and regulations promulgated by the Department of Transportation thereunder. Any person aggrieved by the decision of the Department of Transportation or its agents in refusing to grant or revoking a permit may appeal the decision in accordance with the rules and regulations enacted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision upon the agency appeal. The Department of Transportation shall have the authority to charge fees to defray the costs of administering the permit procedures under this Article. The fees for junkyard permits to be issued under this Article shall not exceed a twenty dollar (\$20.00) initial fee and a fifteen dollar (\$15.00) annual renewal fee. (1967, c. 1198, s. 9; 1973, c. 507, s. 5; c. 1439, s. 9; 1977, c. 464, s. 7.1; 1983, c. 604, s. 3; 1993, c. 493, s. 4.)

#### **§ 136-149.1. Judicial review.**

Any person who is aggrieved by a final decision of the Secretary of Transportation after exhausting all administrative remedies made available to him by rules and regulations enacted pursuant to this Article is entitled to judicial review of such decision under this Article. In order to obtain judicial review of the Secretary of Transportation's decision under this Article, the person seeking review must file a petition in the superior court of the county in which the junkyard is located within 30 days after written copy of the decision of the Secretary of Transportation is served upon the person seeking review. Failure to file such a petition within the time stated shall operate as a waiver of the right of such person to review under this Chapter.



The petition shall state explicitly what exceptions are taken to the decisions of the Secretary of Transportation and what relief petitioner seeks. Within 10 days after the petition is filed with the court, the person seeking the review shall serve copies of the petition by registered mail, return receipt requested, upon the Department of Transportation. Within 30 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the Department of Transportation shall transmit to the reviewing court a certified copy of the written decision.

At any time before or during the review proceeding, the aggrieved party may apply to the reviewing court for an order staying the operation of the decision of the Secretary of Transportation pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper. The review of the decision of the Secretary of Transportation under this Article shall be conducted by the court without a jury and shall hear the matter de novo pursuant to the rules of evidence as applied in the general court of justice. The court, after hearing the matter may affirm, reverse or modify the decision if the decision is:

- (1) In violation of constitutional provisions; or
- (2) Not made in accordance with this Article or rules or regulations promulgated by the Department of Transportation;
- (3) Affected by other error or law.

The party aggrieved shall have the burden of showing that the decision was violative of one of the above.

A party to the review proceedings, including the agency, may appeal to the appellate division from the final judgment of the superior court under the rules of procedure applicable in other civil cases. The appealing party may apply to the superior court for a stay for its final determination or a stay of the administrative decision, whichever shall be appropriate, pending the outcome of the appeal to the appellate division. (1973, c. 1439, s. 10; 1977, c. 464, ss. 7.1, 32, 33.)

#### **§ 136-150. Condemnation procedure.**

The Department of Transportation shall use the condemnation procedure as provided by Article 9 of Chapter 136 of the General Statutes for the purposes of this Article. (1967, c. 1198, s. 10; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-151. Rules and regulations by Department of Transportation; delegation of authority to Secretary of Transportation.**

The Department of Transportation is authorized to promulgate rules and regulations in the form of ordinances governing:

- (1) The establishment, operation and maintenance of junkyards permitted in G.S. 136-144 which shall include, but not be limited to, rules and regulations for determining unzoned industrial areas for the purpose of this Article.
- (2) The specific requirements and procedures for obtaining a permit for junkyards as required in G.S. 136-149 and for the administrative procedures for appealing a decision at the agency level to refuse to grant or in revoking a permit previously issued.
- (3) The administrative procedures for appealing a decision at the agency level to declare any junkyard illegal and a nuisance as pursuant to G.S. 136-146.

- (4) The specific requirements governing the location, planting, construction and maintenance of material used in the screening or fencing required by this Article, all as may be necessary to carry out the policy of the State as declared in this Article.

The Department of Transportation, in its discretion, may delegate to the Secretary of Transportation the authority to promulgate such rules and regulations on its behalf. (1967, c. 1198, s. 11; 1973, c. 507, s. 5; c. 1439, s. 11; 1977, c. 464, s. 7.1.)

#### **§ 136-152. Agreements with United States.**

The Department of Transportation is authorized to enter into agreements with other governmental authorities relating to the control of junkyards and areas in the vicinity of interstate and primary systems, and to take action in the name of the State to comply with the terms of such agreement. (1967, c. 1198, s. 12; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-153. Zoning changes.**

All zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any industrial zone within 660 feet of the right-of-way of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment. (1967, c. 1198, s. 13; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-154. Alternate control.**

In addition to any other provisions of this Article, the Department of Transportation shall have the authority to acquire by purchase, gift, exchange, or condemnation, such interests in real property as may be necessary to control the establishment and maintenance of junkyards in accordance with the policy, standards and regulations set out herein. (1967, c. 1198, s. 14; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

#### **§ 136-155. Availability of federal aid funds.**

The Department of Transportation shall not be required to expend any funds for the regulation of junkyards under this Article, nor shall the provisions of this Article, with the exception of G.S. 136-152 hereof, have any force and effect until federal funds are made available to the State for the purpose of carrying out the provisions of this Article, and the Department of Transportation has entered into an agreement with the United States Secretary of Transportation as authorized by G.S. 136-152 hereof and as provided by the Highway Beautification Act of 1965 or subsequent amendment thereto. (1967, c. 1198, s. 15; 1973, c. 507, s. 5; c. 1439, s. 12; 1977, c. 464, s. 7.1.)

### § 136-189.10. Definitions.

The following definitions apply in this Article:

- (1) Distribution Regions. - The following Distribution Regions apply to this Article:
  - a. Distribution Region A consists of the following counties: Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell, Washington, Wayne, and Wilson.
  - b. Distribution Region B consists of the following counties: Beaufort, Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.
  - c. Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren.
  - d. Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes.
  - e. Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union.
  - f. Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.
  - g. Distribution Region G consists of the following counties: Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey.
- (2) Division needs projects. - Includes only the following:
  - a. Projects listed in subdivision (3) or (4) of this section, subject to the limitations noted in those subsections.
  - b. State highway routes not included in subdivision (3) or (4) of this section.
  - c. Airports included in the NPIAS that are not included in subdivision (3) or (4) of this section, provided that the State's total annual financial participation under this sub-subdivision shall not exceed eighteen million five hundred thousand dollars (\$18,500,000).
  - d. Rail lines not included in subdivision (3) or (4) of this section. This sub-subdivision does not include short-line railroads.
  - e. Public transportation service not included in subdivision (3) or (4) of this section. This sub-subdivision includes commuter rail, intercity rail, and light rail. Nothing in this sub-subdivision shall be construed as authorizing total State funding in excess of the maximum established in sub-subdivision g. of subdivision (3) of this section for commuter rail and light rail projects.
  - f. Multimodal terminals and stations serving passenger transit systems.
  - g. Federally funded independent bicycle and pedestrian improvements.

- h. Replacement of State-maintained ferry vessels.
- i. Federally funded municipal road projects.
- (3) Regional impact projects. - Includes only the following:
  - a. Projects listed in subdivision (4) of this section, subject to the limitations noted in that subdivision.
  - b. U.S. highway routes not included in subdivision (4) of this section.
  - c. N.C. highway routes not included in subdivision (4) of this section.
  - d. Commercial service airports included in the NPIAS that are not included in subdivision (4) of this section, provided that the State's annual financial participation in any single airport project included in this subdivision may not exceed three hundred thousand dollars (\$300,000).
  - e. The State-maintained ferry system, excluding passenger vessel replacement.
  - f. Rail lines that span two or more counties not included in subdivision (4) of this section. This sub-subdivision does not include short-line railroads.
  - g. Public transportation service that spans two or more counties and that serves more than one municipality. Programmed funds pursuant to this sub-subdivision shall not exceed ten percent (10%) of any distribution region allocation. This sub-subdivision includes commuter rail, intercity rail, and light rail. Total State funding for a commuter rail or light rail project shall not exceed the lesser of ten percent (10%) of the distribution region allocation or ten percent (10%) of the estimated total project costs used during the prioritization scoring process. The State shall not be responsible or liable for any project costs in excess of the maximum established under this sub-subdivision. Any agreement entered into by the State to fund a commuter rail or light rail project shall include language setting out the limitations set forth in this sub-subdivision.
- (4) Statewide strategic mobility projects. - Includes only the following:
  - a. Interstate highways and future interstate highways approved by the federal government.
  - b. Routes on the National Highway System as of July 1, 2012, excluding intermodal connectors.
  - c. Highway routes on the United States Department of Defense Strategic Highway Network (STRAHNET).
  - d. Highway toll routes designated by State law or by the Department of Transportation, pursuant to its authority under State law.
  - e. Highway projects listed in G.S. 136-179, as it existed on July 1, 2012, that are not authorized for construction as of July 1, 2015.
  - f. Appalachian Development Highway System.
  - g. Commercial service airports included in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) that provide international passenger service or 375,000 or more enplanements annually, provided that the State's annual financial

participation in any single airport project included in this subdivision may not exceed five hundred thousand dollars (\$500,000).

- h. Freight capacity and safety improvements to Class I freight rail corridors. (2013-183, s. 1.1(a); 2013-410, s. 38(a); 2016-94, ss. 35.12(c), (d); 2018-97, s. 7.5(c).)

#### **§ 136-189.11. Transportation Investment Strategy Formula.**

- (a) Funds Subject to Formula. - The following sources of funds are subject to this section:
  - (1) Highway Trust Fund funds, in accordance with G.S. 136-176.
  - (2) Federal aid funds.
- (b) Funds Excluded From Formula. - The following funds are not subject to this section:
  - (1) Federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149.
  - (2) Funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department.
  - (3) Funds received from the federal government that under federal law may only be used for Appalachian Development Highway System projects.
  - (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the Yadkin River Veterans Memorial Bridge project.
  - (5) Funds committed to gap funding for toll roads funded with bonds issued pursuant to G.S. 136-176.
  - (6) Funds obligated for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.
  - (7) Toll collections from a turnpike project under Article 6H of this Chapter and other revenue from the sale of the Authority's bonds or notes or project loans, in accordance with G.S. 136-89.192.
  - (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
  - (9) Federal State Planning and Research Program funds (23 U.S.C. § 505) and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).
  - (10) Federal Lands Access Program funds received by the State pursuant to 23 U.S.C. § 204.
  - (11) Funds advanced pursuant to G.S. 136-186.
  - (12) Funds appropriated to the North Carolina State Ports Authority for the purposes described in G.S. 136-176(b3).

(b1) Funds Excluded From Regional Impact Project Category. - Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Regional Impact Project category are excluded from that category.

(c) Funds With Alternate Criteria. - The following federal program activities shall be included in the applicable category of the Transportation Investment Strategy Formula set forth in subsection (d) of this section but shall not be subject to the prioritization criteria set forth in that subsection:

- (1) Bridge replacement.
- (2) Interstate maintenance.
- (3) Highway safety improvement.
- (4) State funds used to match federal Congestion Mitigation and Air Quality Improvement (CMAQ) program funds apportioned to the State pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149 for projects on the State highway system that improve the safety, mobility, and operational characteristics of the State highway system for motorists.

(c1) Emergency Funds With Alternative Criteria. - The following funds, obligated in support of emergency repair work necessary to restore essential travel, minimize the extent of damage, or protect remaining facilities, as a result of events that occurred during a federal- or State-declared emergency that significantly damaged the State-maintained transportation system to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this section but shall not be subject to the prioritization criteria set forth in that subsection:

- (1) Federal or State funds obligated for repairs for which federal Emergency Relief Funds are available pursuant to 23 U.S.C. § 125.
- (2) State funds obligated for repairs to damage occurring as a result of an event that is lawfully declared to be a federal or State emergency.

(d) Transportation Investment Strategy Formula. - Funds subject to the Formula shall be distributed as follows:

- (1) Statewide Strategic Mobility Projects. - Forty percent (40%) of the funds subject to this section shall be used for Statewide Strategic Mobility Projects:
  - a. Criteria. - Transportation-related quantitative criteria shall be used by the Department to rank highway projects that address cost-effective Statewide Strategic Mobility needs and promote economic and employment growth. The criteria for selection of Statewide Strategic Mobility Projects shall utilize a numeric scale of 100 points, based on consideration of the following quantitative criteria:
    1. Benefit cost.
    2. Congestion.
    3. Safety.
    4. Economic competitiveness.
    5. Freight.
    6. Multimodal.
    7. Pavement condition.
    8. Lane width.
    9. Shoulder width.
  - b. Project cap. - No more than ten percent (10%) of the funds projected to be allocated to the Statewide Strategic Mobility category over any five-year period may be assigned to any project or group of projects in the same corridor within a Highway Division or within adjoining Highway Divisions.
- (2) Regional Impact Projects. - Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management:

- a. Criteria. - A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote economic growth. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Regional Impact Projects shall be based thirty percent (30%) on local input and seventy percent (70%) on consideration of a numeric scale of 100 points based on the following quantitative criteria:
  - 1. Benefit cost.
  - 2. Congestion.
  - 3. Safety.
  - 4. Freight.
  - 5. Multimodal.
  - 6. Pavement condition.
  - 7. Lane width.
  - 8. Shoulder width.
  - 9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.
- (3) Division Need Projects. - Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.
  - a. Criteria. - A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Division Need Projects involving highways that address cost-effective needs from a Division-wide perspective, provide access, and address safety-related needs of local communities. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Division Need Projects shall be based fifty percent (50%) on local input and fifty percent (50%) on consideration of a numeric scale of 100 points based on the following

quantitative criteria, except as provided in sub-subdivision b. of this subdivision:

1. Benefit cost.
  2. Congestion.
  3. Safety.
  4. Freight.
  5. Multimodal.
  6. Pavement condition.
  7. Lane width.
  8. Shoulder width.
  9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.
- b. Alternate criteria. - Funding from the following programs shall be included in the computation of each of the Department division equal shares but shall be subject to alternate quantitative criteria:
1. Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Division Need Projects category.
  2. Federal Transportation Alternatives funds appropriated to the State.
  3. Federal Railway-Highway Crossings Program funds appropriated to the State.
  4. Projects requested from the Department in support of a time-critical job creation opportunity, when the opportunity would be classified as transformative under the Job Development Investment Grant program established pursuant to G.S. 143B-437.52, provided that the State investment for all projects funded under this sub-sub-subdivision in any five-year period shall not exceed one hundred million dollars (\$100,000,000) in the aggregate and ten million dollars (\$10,000,000) per project. Upon the release of a State Transportation Improvement Program, the Department shall submit a report to the Joint Legislative Transportation Oversight Committee detailing the projects funded under this sub-sub-subdivision.
  5. Federal funds for municipal road projects.
- c. Bicycle and pedestrian limitation. - The Department shall not provide financial support for independent bicycle and pedestrian improvement projects, except for federal funds administered by the Department for that purpose. This sub-subdivision shall not apply to funds allocated to a municipality pursuant to G.S. 136-41.1 that are committed by the municipality as matching funds for federal funds administered by the Department and used for bicycle and pedestrian improvement projects. This limitation shall not apply to funds authorized for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.



- (4) Criteria for nonhighway projects. - Nonhighway projects subject to this subsection shall be evaluated through a separate prioritization process established by the Department that complies with all of the following:
  - a. The criteria used for selection of projects for a particular transportation mode shall be based on a minimum of four quantitative criteria.
  - b. Local input shall include rankings of projects identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. Transportation Division Engineer local input scoring shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g).
  - c. The criteria shall be based on a scale not to exceed 100 points that includes no bonus points or other alterations favoring any particular mode of transportation.
- (d1) Additional Requirement for High-Cost Projects. - State funding may not be expended for a light rail project until a written agreement is provided to the Department establishing that all non-State funding necessary to construct the project has been committed.
- (e) Authorized Formula Variance. - The Department may vary from the Formula set forth in this section if it complies with the following:
  - (1) Limitation on variance. - The Department, in obligating funds in accordance with this section, shall ensure that the percentage amount obligated to Statewide Strategic Mobility Projects, Regional Impact Projects, and Division Need Projects does not vary by more than fifteen percent (15%) over any five-year period and ten percent (10%) over any 10-year period from the percentage required to be allocated to each of those categories by this section. Funds obligated among distribution regions or divisions pursuant to this section may vary up to fifteen percent (15%) over any five-year period and ten percent (10%) over any 10-year period.
  - (2) Calculation of Variance. - Each year, the Secretary shall calculate the amount of Regional Impact and Division Need funds allocated in that year to each division and region, the amount of funds obligated, and the amount the obligations exceeded or were below the allocation. In calculating the amount of funds obligated, the Secretary shall include any amount used as repayment for funds advanced pursuant to G.S. 136-186. The target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous five fiscal years. The new target amounts shall be used to fulfill the requirements of subdivision (1) of this subsection for the next update of the Transportation Improvement Program. The adjustment to the target amount shall be allocated by Distribution Region or Division, as applicable.
- (e1) Repealed by Session Laws 2016-94, s. 35.12(a), effective July 1, 2016.
- (f) Incentives for Local Funding and Highway Tolling. - The Department may revise highway project selection ratings based on local government funding initiatives and capital

construction funding directly attributable to highway toll revenue. Projects authorized for construction after November 1, 2013, and contained in the 10-year Department of Transportation work program are eligible for a bonus allocation under this subsection:

- (1) Definitions. - The following definitions apply in this subsection:
  - a. Bonus allocation. - The allocation obtained as a result of local government funding participation or highway tolling.
  - b. Local funding participation. - Non-State or nonfederal funds committed by local officials to leverage the commitment of State or federal transportation funds towards construction.
- (2) Funds obtained from local government funding participation. - Upon authorization to construct a project with funds obtained by local government funding participation, the Department shall make available for allocation as set forth in subdivision (4) of this section an amount equal to one-half of the local funding commitment for other eligible highway projects that serve the local entity or entities that provided the local funding.
- (3) Funds obtained through highway tolling. - Upon authorization to construct a project with funding from toll revenue, the Department shall make available for allocation an amount equal to one-half of the project construction cost derived from toll revenue bonds. Upon authorization to construct a toll project in which no project construction cost is derived from toll revenue bonds, the Department shall make available for allocation an amount equal to one-half of the revenue expected from the project over the first 10 years of the project, less operations costs, as set forth in the Investment Grade Traffic and Revenue Study. The amount made available for allocation to other eligible highway projects shall not exceed two hundred million dollars (\$200,000,000) of the capital construction funding directly attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study, for a project for which funds have been committed on or before July 1, 2015. The amount made available for allocation to other eligible highway projects shall not exceed one hundred million dollars (\$100,000,000) of the capital construction funding directly attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study, for a project for which funds are committed after July 1, 2015. If the toll project is located in one or more Metropolitan Planning Organization or Rural Transportation Planning Organization boundaries, based on the boundaries in existence at the time of letting of the project construction contract, the bonus allocation shall be distributed proportionately to lane miles of new capacity within the Organization's boundaries. The Organization shall apply the bonus allocation only within those counties in which the toll project is located. Except for tolls removed pursuant to G.S. 136-89.196, if a toll is removed or a toll is not implemented, any funds made available for allocation or allocated under this subdivision shall be withheld by the Department or repaid to the Department, as applicable. Any funds withheld or repaid under this subdivision may be reallocated according to the requirements of this subdivision.
- (4) Use of bonus allocation. - The Metropolitan Planning Organization, Rural Transportation Planning Organization, or the local government may choose to

apply its bonus allocation in one of the three categories or in a combination of the three categories as provided in this subdivision:

- a. Statewide Strategic Mobility Projects category. - The bonus allocation shall apply over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.
- b. Regional Impact Projects category. - The bonus allocation is capped at ten percent (10%) of the regional allocation, or allocation to multiple regions, made over a five-year period and shall be applied over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.
- c. Division Needs Projects category. - The bonus allocation is capped at ten percent (10%) of the division allocation, or allocation to multiple divisions, made over a five-year period and shall be applied over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.

(g) Reporting. - The Department shall publish on its Web site, in a link to the "Strategic Transportation Investments" Web site linked directly from the Department's home page, the following information in an accessible format as promptly as possible:

- (1) The quantitative criteria used in each highway and nonhighway project scoring, including the methodology used to define each criteria, the criteria presented to the Board of Transportation for approval, and any adjustments made to finalize the criteria.
- (2) The quantitative and qualitative criteria in each highway or nonhighway project scoring that is used in each region or division to finalize the local input score and shall include distinctions between the Department Division scoring and methodologies and Metropolitan Planning Organization and Rural Transportation Planning Organization scoring and methodologies.
- (3) Notification of changes to the methodologies used to calculate quantitative criteria.
- (4) The final quantitative formulas, including the number of points assigned to each criteria, used in each highway and nonhighway project scoring used to obtain project rankings in the Statewide, Regional, and Division categories. If the Department approves different formulas or point assignments regionally or by division, the final scoring for each area shall be noted.
- (5) The project scorings associated with the release of the draft and final State Transportation Improvement Program, including Division Engineer, Metropolitan Planning Organization, and Rural Transportation Planning Organization scoring and ranking.

(h) Improvement of Prioritization Process. - The Department shall endeavor to continually improve the methodology and criteria used to score highway and non-highway projects pursuant to this Article, including the use of normalization techniques, and methods to strengthen the data collection process. The Department is directed to continue the use of a workgroup process to develop improvements to the prioritization process. Workgroup participants shall include, but not be limited to, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Metropolitan Mayors Coalition, and the North Carolina Council of Regional Governments. The workgroup, led by the Prioritization Office, shall

contain a minimum of four representatives each from the North Carolina Association of Municipal Planning Organizations and the North Carolina Association of Rural Planning Organizations, and these members will be selected by a vote of each organization. Department participants in the workgroup shall not exceed half of the total group. Beginning December 1, 2016, the Department shall report annually to the Joint Legislative Transportation Oversight Committee on any changes made to the highway or non-highway prioritization process and the resulting impact to the State Transportation Improvement Program. The General Assembly members and staff may attend all workgroup meetings related to the prioritization process, all subgroup meetings of the workgroup, and have access to all related workgroup or subgroup documents. (2013-183, s. 1.1(a), (b); 2013-410, s. 38(b), (c), (d), (h); 2014-58, ss. 6, 8; 2014-115, s. 56.6; 2015-241, s. 29.41(a); 2016-94, s. 35.12(a); 2017-57, ss. 34.6(b), 34.27(b); 2018-5, ss. 34.5(c), 34.6(a)-(e), 34.7(a); 2018-97, s. 7.5(a).)

#### **§ 136-189.20. Spot Mobility Program.**

- (a) Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund, forty percent (40%) of the funds shall be used for a Spot Mobility Program that shall be managed by the State Traffic Engineer of the Department of Transportation. The purpose of the Spot Mobility Program is to provide funding for small projects that will reduce traffic congestion and vehicular delay times. The Department shall develop a quantitative, evidence-based formula to use in selecting projects to receive funding from the Spot Mobility Program. At a minimum, the Department shall consider all of the following in developing the formula required by this section:
  - (1) The travel-time savings resulting from the proposed project.
  - (2) Reductions to motor vehicle queues resulting from the proposed project.
  - (3) The service life of the proposed project.
  - (4) The benefit-cost ratio of the proposed project.
- (b) In selecting projects to receive funding from the Spot Mobility Program, the Department shall give preference to projects that will improve access from the State highway system to a school. For purposes of this section, the term "school" means any facility engaged in the educational instruction of children in any grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law and includes charter schools as authorized under G.S. 115C-218.5. (2019-231, s. 4.12(a).)

#### **§ 136-191. Intersection with highways.**

Whenever the track of a railroad shall cross a highway or turnpike, such highway or turnpike may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such highway or turnpike desirable, then the railroad company may take such additional lands for the construction of the road, highway or turnpike on such new line as may be deemed requisite. Unless the land so taken shall be purchased for the purposes aforesaid, compensation therefor shall be ascertained in the manner prescribed in the Chapter Eminent Domain, and duly made by such corporation to the owners and persons interested in such land. The same when so taken shall become a part of such intersecting highway or turnpike in such manner and by such tenure as the adjacent parts of the same highway or turnpike may be held for highway purposes. (1871-2, c. 138, s. 26; Code, s. 1954; Rev., s. 2568; C.S., s. 3448; 1963, c. 1165, s. 1; 1998-128, s. 14.)

**§ 136-192. Obstructing highways; defective crossings; notice; failure to repair after notice misdemeanor.**

- (a) Whenever, in their construction, the works of any railroad corporation shall cross established roads or ways, the corporation shall so construct its works as not to impede the passage or transportation of persons or property along the same. If any railroad corporation shall so construct its crossings with public streets, thoroughfares or highways, or keep, allow or permit the same at any time to remain in such condition as to impede, obstruct or endanger the passage or transportation of persons or property along, over or across the same, the governing body of the county, city or town, or other public road authority having charge, control or oversight of such roads, streets or thoroughfares may give to such railroad notice, in writing, directing it to place any such crossing in good condition, so that persons may cross and property be safely transported across the same.
- (b) The notice may be served upon the agent of the offending railroad located nearest to the defective or dangerous crossing about which the notice is given, or it may be served upon the section master whose section includes such crossing. Such notice may be served by delivering a copy to such agent or section master, or by registered or certified mail addressed to either of such persons.
- (c) If the railroad corporation shall fail to put such crossing in a safe condition for the passage of persons and property within 30 days from and after the service of the notice, it shall be guilty of a Class 1 misdemeanor. Each calendar month which shall elapse after the giving of the notice and before the placing of such crossing in repair shall be a separate offense.
- (d) This section shall in nowise be construed to abrogate, repeal or otherwise affect any existing law now applicable to railroad corporations with respect to highway and street crossings; but the duty imposed and the remedy given by this section shall be in addition to other duties and remedies now prescribed by law. (R.C., c. 61, s. 30; 1874-5, c. 83; Code, s. 1710; Rev., s. 2569; 1915, c. 250, ss. 1, 2; C.S., ss. 3449, 3450; 1963, c. 1165, s. 1; 1993, c. 539, s. 480; 1994, Ex. Sess., c. 24, s. 14(c); 1998-128, s. 14.)

**§ 136-193. Joint construction of railroads having same location.**

Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may by agreement provide for the construction of so much of said line as is common to both of them, by one of the companies, and for the manner and terms upon which the business thereon shall be performed. (1871-2, c. 138, s. 46; Code, s. 1983; Rev., s. 2602; C.S., s. 3473; 1963, c. 1165, s. 1; 1998-128, s. 14.)

**§ 136-194. Cattle guards and private crossings; failure to erect and maintain misdemeanor.**

Every company owning, operating or constructing any railroad passing through and over the enclosed land of any person shall, at its own expense, construct and constantly maintain, in good and safe condition, good and sufficient cattle guards at the points of entrance upon and exit from such enclosed land and shall also make and keep in constant repair crossings to any private road thereupon. Every railroad corporation which shall fail to erect and constantly maintain the cattle guards and crossings provided for by this section shall be liable to an action for damages to any party aggrieved, and shall be guilty of a Class 3 misdemeanor and only fined in the discretion of the court. Any cattle guard approved by the Commission shall be deemed a good and sufficient guard under this section. (1883, c. 394, ss. 1, 2, 3; Code, s. 1975; Rev., ss. 2601, 3753; 1915, c. 127; C.S., s. 3454; 1933, c. 134, s. 8; 1941, c. 97, s. 5; 1963, c. 1165, s. 1; 1993, c. 539, s. 481; 1994, Ex. Sess., c. 24, s. 14(c); 1998-128, s. 14.)

**§ 136-211. Department authorized to establish Rural Transportation Planning Organizations.**

(a) Authorization. - The Department of Transportation is authorized to form Rural Transportation Planning Organizations.

(b) Area Represented. - Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, or a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Budget and Management. Noncontiguous counties adjacent to the same Metropolitan Planning Organization may form a Rural Transportation Planning Organization. Areas already included in a Metropolitan Planning Organization shall not be included in the area represented by a Rural Transportation Planning Organization.

(c) Membership. - The Rural Transportation Planning Organization shall consist of local elected officials or their designees and representatives of local transportation systems in the area as agreed to by all parties in a memorandum of understanding.

(d) Formation; Memorandum of Understanding. - The Department shall notify local elected officials and representatives of local transportation systems around the State of the opportunity to form Rural Transportation Planning Organizations. The Department shall work cooperatively with interested local elected officials, their designees, and representatives of local transportation systems to develop a proposed area, membership, functions, and responsibilities of a Rural Transportation Planning Organization. The agreement of all parties shall be included in a memorandum of understanding approved by the membership of a proposed Rural Transportation Planning Organization and the Secretary of the Department of Transportation.

(e) Repealed by Session Laws 2013-156, s. 2(a), effective June 19, 2013.

(f) Ethics Provisions. - All individuals with voting authority serving on a rural transportation planning organization who are not members of the Board of Transportation shall do all of the following:

- (1) Except as permitted under this subdivision, no rural transportation planning organization member acting in that capacity shall participate in an action of the rural transportation planning organization if the rural transportation planning organization member knows the rural transportation planning organization member, the rural transportation planning organization member's extended family, or any business with which the rural transportation planning organization member is associated may incur a reasonably foreseeable financial

benefit from the matter under consideration, which financial benefit would impair the rural transportation planning organization member's independence of judgment or from which it could reasonably be inferred that the financial benefit would influence the rural transportation planning organization member's participation in the action of the rural transportation planning organization. [A member may participate in an action of the rural transportation planning organization under any of the following circumstances:]

- a. When action is ministerial only and does not require the exercise of discretion.
  - b. When the committee records in its minutes that it cannot obtain a quorum in order to take the action because the rural transportation planning organization member is disqualified from acting, the rural transportation planning organization member may be counted for purposes of a quorum but shall otherwise abstain from taking any further action.
- (2) A rural transportation planning organization member shall have an affirmative duty to promptly disclose in writing to the rural transportation planning organization any conflict of interest or potential conflict of interest under subdivision (1) of this subsection. All written disclosures shall be a public record under Chapter 132 of the General Statutes and attached to the minutes of the meeting in which any discussion or vote was taken by the rural transportation planning organization related to that disclosure.
  - (3) File a statement of economic interest with the State Ethics Commission in accordance with Article 3 of Chapter 138A of the General Statutes for which the State Ethics Commission shall prepare a written evaluation relative to conflicts of interest and potential conflicts of interest and provide a copy of that evaluation to the rural transportation planning organization member. All statements of economic interest and all written evaluations by the Commission of those statements are public records as provided in G.S. 138A-23. The penalties for failure to file shall be as set forth in G.S. 138A-25(a) and (b).
  - (4) File, with and in the same manner as the statement of economic interest filed under subdivision (3) of this subsection, an additional disclosure of a list of all real estate owned wholly or in part by the rural transportation planning organization member, the rural transportation planning organization member's extended family, or a business with which the rural transportation planning organization member is associated within the jurisdiction of the rural transportation planning organization on which the rural transportation planning organization member is serving. All additional disclosures of real estate filed by members are public records under Chapter 132 of the General Statutes. The penalties for failure to file shall be as set forth in G.S. 138A-25(d).

(g) Confidential Information. - A rural transportation planning organization member shall not use or disclose any nonpublic information gained in the course of or by reason of serving as a member of the rural transportation planning organization in a way that would affect a personal financial interest of the rural transportation planning organization member, the rural transportation planning organization member's extended family, or a business with which the rural transportation planning organization member is associated.

(h) Reserved.

(i) Definitions. - For purposes of this section, "extended family" shall have the same meaning as in G.S. 138A-3(25), "business with which associated" shall have the same meaning as in G.S. 138A-3(7), and "financial benefit" shall mean a direct pecuniary gain or loss or a direct pecuniary loss to a business competitor.

(j) Violations. - A violation of subdivision (1) of subsection (f) of this section shall be a Class 1 misdemeanor. A rural transportation planning organization member who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a required filing under subdivisions (3) or (4) of subsection (f) of this section shall be guilty of a Class 1 misdemeanor. A rural transportation planning organization member who provides false information on a required filing under subdivisions (3) or (4) of subsection (f) of this section knowing that the information is false is guilty of a Class H felony. If the State Ethics Commission receives written allegations of violations of this section, the Commission shall report such violations to the Director of the State Bureau of Investigation for investigation and referral to the District Attorney for possible prosecution. All written allegations or related documents are confidential and are not matters of public record.

(k) All individuals with voting authority serving on a rural transportation planning organization who are members of the Board of Transportation shall comply with Chapter 138A of the General Statutes and G.S. 143B-350 while serving on the rural transportation planning organization. (2000-123, s. 2; 2002-170, s. 2; 2012-44, s. 1; 2012-142, s. 24.16(b); 2013-156, s. 2(a), (b); 2014-58, s. 12(b); 2014-115, s. 56.6A(b); 2015-264, s. 72(b); 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

#### **§ 143-64.31. Declaration of public policy.**

(a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(a1) A resident firm providing architectural, engineering, surveying, construction management at risk services, design-build services, or public-private partnership construction services shall be granted a preference over a nonresident firm, in the same manner, on the same basis, and to the extent that a preference is granted in awarding contracts for these services by the other state to its resident firms over firms resident in the State of North Carolina. For purposes of this section, a resident firm is a firm that has paid unemployment taxes or income taxes in North Carolina and whose principal place of business is located in this State.

(b) Recodified as G.S. 143-133.1(a) by Session Laws 2014-42, s. 3, effective October 1, 2014, and applicable to contracts awarded on or after that date.



(c) Recodified as G.S. 143-133.1(b) by Session Laws 2014-42, s. 3, effective October 1, 2014, and applicable to contracts awarded on or after that date.

(d) Recodified as G.S. 143-133.1(c) by Session Laws 2014-42, s. 3, effective October 1, 2014, and applicable to contracts awarded on or after that date.

(e) For purposes of this Article, the definition in G.S. 143-128.1B and G.S. 143-128.1C shall apply.

(f) Except as provided in this subsection, no work product or design may be solicited, submitted, or considered as part of the selection process under this Article; and no costs or fees, other than unit price information, may be solicited, submitted, or considered as part of the selection process under this Article. Examples of prior completed work may be solicited, submitted, and considered when determining demonstrated competence and qualification of professional services; and discussion of concepts or approaches to the project, including impact on project schedules, is encouraged. (1987, c. 102, s. 1; 1989, c. 230, s. 2; 2001-496, s. 1; 2006-210, s. 1; 2013-401, s. 1; 2014-42, ss. 3, 4.)

#### **§ 143-64.32. Written exemption of particular contracts.**

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000). (1987, c. 102, s. 2; 2013-401, s. 2.)

#### **§ 143-116.8. Motor vehicle laws applicable to State parks and forests road system.**

(a) Except as otherwise provided in this section, all the provisions of Chapter 20 of the General Statutes relating to the use of highways and public vehicular areas of the State and the operation of vehicles thereon are made applicable to the State parks and forests road system. For the purposes of this section, the term "State parks and forests road system" shall mean the streets, alleys, roads, public vehicular areas and driveways of the State parks, State forests, State recreation areas, State lakes, and all other lands administered by the Department of Natural and Cultural Resources or the Department of Agriculture and Consumer Services. This term shall not be construed, however, to include streets that are a part of the State highway system. Any person violating any of the provisions of Chapter 20 of the General Statutes hereby made applicable in the State parks and forests road system shall, upon conviction, be punished in accordance with Chapter 20 of the General Statutes. Nothing herein contained shall be construed as in any way interfering with the ownership and control of the State parks road system by the Department of Natural and Cultural Resources and the forests road system by the Department of Agriculture and Consumer Services.

(b) (1) It shall be unlawful for a person to operate a vehicle in the State parks road system at a speed in excess of twenty-five miles per hour (25 mph). When the Secretary of Natural and Cultural Resources determines that this speed is greater than reasonable and safe under the conditions found to exist in the State parks road system, the Secretary may establish a lower reasonable and safe speed limit. No speed limit established by the Secretary pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.

- (1a) It shall be unlawful for a person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour. When the Commissioner of Agriculture determines that this speed is greater than reasonable and safe under the conditions found to exist in the State forests road system, the Commissioner may establish a lower reasonable and safe speed limit. No speed limit established by the Commissioner pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.
- (2) Any person convicted of violating this subsection by operating a vehicle on the State parks and forests road system while fleeing or attempting to elude arrest or apprehension by a law enforcement officer with authority to enforce the motor vehicle laws, shall be punished as provided in G.S. 20-141.5.
- (3) For the purposes of enforcement and administration of Chapter 20, the speed limits stated and authorized to be adopted by this section are speed limits under Chapter 20.
- (4) The Secretary may designate any part of the State parks road system and the Commissioner may designate any part of the State forests road system for one-way traffic and shall erect appropriate signs giving notice thereof. It shall be a violation of G.S. 20-165.1 for any person to willfully drive or operate any vehicle on any part of the State parks and forests road system so designated except in the direction indicated.
- (5) The Secretary shall have power, equal to the power of local authorities under G.S. 20-158 and G.S. 20-158.1, to place vehicle control signs and signals and yield-right-of-way signs in the State parks road system; the Secretary also shall have power to post such other signs and markers and mark the roads in accordance with Chapter 20 of the General Statutes as the Secretary may determine appropriate for highway safety and traffic control. The failure of any vehicle driver to obey any vehicle control sign or signal, or any yield-right-of-way sign placed under the authority of this section in the State parks road system shall be an infraction and shall be punished as provided in G.S. 20-176.
- (5a) The Commissioner shall have power, equal to the power of local authorities under G.S. 20-158 and G.S. 20-158.1, to place vehicle control signs and signals and yield right-of-way signs in the State forests road system. The Commissioner also shall have power to post such other signs and markers and mark the roads in accordance with Chapter 20 of the General Statutes as the Commissioner may determine appropriate for highway safety and traffic control. The failure of any vehicle driver to obey any vehicle control sign or signal or any yield right-of-way sign placed under the authority of this section in the State forests road system shall be an infraction and shall be punished as provided in G.S. 20-176.

(c) The Secretary of Natural and Cultural Resources may, by rule, regulate parking and establish parking areas, and provide for the removal of illegally parked motor vehicles on the State parks road system, and the Commissioner of Agriculture may, by rule, regulate and establish parking areas and provide for the removal of illegally parked motor vehicles on the State forests road system. Any rule of the Secretary or the Commissioner shall be consistent with the provisions of G.S. 20-161, 20-161.1, and 20-162. Any removal of illegally parked motor vehicles shall be in compliance with Article 7A of Chapter 20 of the General Statutes.

(d) A violation of the rules issued by the Secretary of Natural and Cultural Resources or the Commissioner of Agriculture under subsection (c) of this section is an infraction pursuant to G.S. 20-162.1, and shall be punished as therein provided. These rules may be enforced by the Commissioner of Motor Vehicles, the Highway Patrol, forest law enforcement officers, or other law enforcement officers of the State, counties, cities or other municipalities having authority under Chapter 20 of the General Statutes to enforce laws or rules on travel or use or operation of vehicles or the use or protection of the highways of the State.

(e) The provisions of Chapter 20 of the General Statutes are applicable at all times to the State parks and forests road system, including closing hours, regardless of the fact that during closing hours the State parks and forests road system is not open to the public as a matter of right.

(f) Notwithstanding any other provision of this section, a person may petition the Department of Natural and Cultural Resources for a waiver authorizing the person to operate a vehicle in the State parks road system at a speed in excess of 25 miles per hour in connection with a special event. The Secretary may impose any conditions on a waiver that the Secretary determines to be necessary to protect public health, safety, welfare, and the natural resources of the State park. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State parks road system subject to the conditions determined by the Secretary.

(g) Notwithstanding any other provision of this section, a person may petition the Department of Agriculture and Consumer Services for a waiver authorizing the person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour in connection with a special event. The Commissioner may impose any conditions on a waiver that the Commissioner determines to be necessary to protect public health, safety, welfare, and the natural resources of the State forest. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State forests road system subject to the conditions determined by the Commissioner. (1987, c. 474, s. 1; 1989, c. 727, s. 218(96); 1997-443, ss. 11A.119(a), 19.26(e); 2013-155, s. 19; 2014-120, s. 31(a); 2015-241, s. 14.30(xx).)

#### **§ 143-128. Requirements for certain building contracts.**

(a) Preparation of specifications. - Every officer, board, department, commission or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration or repair of any buildings for the State, or for any county, municipality, or other public body, shall have prepared separate specifications for each of the following subdivisions or branches of work to be performed:

- (1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive system), refrigeration for cold storage (where the cold storage cooling load is 15 tons or more of refrigeration), and all related work.
- (2) Plumbing and gas fittings and accessories, and all related work.
- (3) Electrical wiring and installations, and all related work.

- (4) General work not included in subdivisions (1), (2), and (3) of this subsection relating to the erection, construction, alteration, or repair of any building.

Specifications for contracts that will be bid under the separate-prime system or dual bidding system shall be drawn as to permit separate and independent bidding upon each of the subdivisions of work enumerated in this subsection. The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications for any other category of work.

- (a1) Construction methods. - The State, a county, municipality, or other public body shall award contracts to erect, construct, alter, or repair buildings pursuant to any of the following methods:

- (1) Separate-prime bidding.
- (2) Single-prime bidding.
- (3) Dual bidding pursuant to subsection (d1) of this section.
- (4) Construction management at risk contracts pursuant to G.S. 143-128.1.
- (5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).
- (6) Design-build contracts pursuant to G.S. 143-128.1A.
- (7) Design-build bridging contracts pursuant to G.S. 143-128.1B.
- (8) Public-private partnership construction contracts pursuant to G.S. 143-128.1C.

- (a2) Repealed by Session Laws 2012-142, s. 9.4(g), effective July 1, 2012.

- (b) Separate-prime contracts. - When the State, county, municipality, or other public body uses the separate-prime contract system, it shall accept bids for each subdivision of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty-five thousand dollars (\$25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost. The contracts shall be awarded to the lowest responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the county, municipality, or other public body and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the State, or with any county, municipality, or other public entity to erect, construct, alter or repair any building or buildings, or parts of any building or buildings.

- (c) Repealed by Session Laws 2001-496, s. 3, effective January 1, 2001.

- (d) Single-prime contracts. - All bidders in a single-prime project shall identify on their bid the contractors they have selected for the subdivisions or branches of work for:

- (1) Heating, ventilating, and air conditioning;
- (2) Plumbing;
- (3) Electrical; and
- (4) General.

The contract shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be nonresponsive or nonresponsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in this subsection shall incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the State, county, municipality, or other public body.

When contracts are awarded pursuant to this section, the public body shall make available to subcontractors the dispute resolution process as provided for in subsection (f1) of this section.

(d1) Dual bidding. - The State, a county, municipality, or other public entity may accept bids to erect, construct, alter, or repair a building under both the single-prime and separate-prime contracting systems and shall award the contract to the lowest responsible, responsive bidder under the single-prime system or to the lowest responsible, responsive bidder under the separate-prime system, taking into consideration quality, performance, compliance with G.S. 143-128.2, and time specified in the bids to perform the contract. In determining the system under which the contract will be awarded to the lowest responsible, responsive bidder, the public entity may consider cost of construction oversight, time for completion, and other factors it considers appropriate. The bids received as separate-prime bids shall be received, but not opened, one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor to the public entity under the separate-prime system. The provisions of subsection (b) of this section shall apply to separate-prime contracts awarded pursuant to this section and the provisions of subsection (d) of this section shall apply to single-prime contracts awarded pursuant to this section.

(e) Project expediter; scheduling; public body to resolve project disputes. - The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on a project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for preparing the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the public body may provide in the contract documents for resolution of project disputes through alternative dispute resolution processes as provided for in subsection (f1) of this section.

(f) Repealed by Session Laws 2001-496, s. 3, effective January 1, 2001.

(f1) Dispute resolution. - A public entity shall use the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(11), or shall adopt another dispute resolution process, which shall include mediation, to be used as an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process will be available to all the parties involved in the public entity's construction project including the public entity, the

architect, the construction manager, the contractors, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process. The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the costs of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contracts that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

(g) Exceptions. - This section shall not apply to:

- (1) The purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site.
- (2) The erection, construction, alteration, or repair of a building when the cost thereof is three hundred thousand dollars (\$300,000) or less.
- (3) The erection, construction, alteration, or repair of a building by The University of North Carolina or its constituent institutions when the cost thereof is five hundred thousand dollars (\$500,000) or less.

Notwithstanding the other provisions of this subsection, subsection (f1) of this section shall apply to any erection, construction, alteration, or repair of a building by a public entity. (1925, c. 141, s. 2; 1929, c. 339, s. 2; 1931, c. 46; 1943, c. 387; 1945, c. 851; 1949, c. 1137, s. 1; 1963, c. 406, ss. 2-7; 1967, c. 860; 1973, c. 1419; 1977, c. 620; 1987 (Reg. Sess., 1988), c. 1108, ss. 4, 5; 1989, c. 480, s. 1; 1995, c. 358, s. 4; c. 367, ss. 1, 4, 5; c. 509, s. 79; 1998-137, s. 1; 1998-193, s. 1; 2001-496, ss. 3, 13; 2002-159, s. 42; 2007-322, s. 3; 2012-142, s. 9.4(g); 2013-401, s. 3.)

#### **§ 143-128.1A. Design-build contracts.**

(a) Definitions for purposes of this section:

- (1) Design-builder. - As defined in G.S. 143-128.1B.
- (2) Governmental entity. - As defined in G.S. 143-128.1B.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

- (1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
- (2) The time constraints for the delivery of the project.
- (3) The ability to ensure that a quality project can be delivered.
- (4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
- (5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and

qualified to perform the work defined by the public notice issued under subsection (c) of this section.

- (6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1).

(c) A governmental entity shall issue a public notice of the request for qualifications that includes, at a minimum, general information on each of the following:

- (1) The project site.
- (2) The project scope.
- (3) The anticipated project budget.
- (4) The project schedule.
- (5) The criteria to be considered for selection and the weighting of the qualifications criteria.
- (6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business participation.
- (7) Other information provided by the owner to potential design-builders in submitting qualifications for the project.
- (8) A statement providing that each design-builder shall submit in its response to the request for qualifications an explanation of its project team selection, which shall consist of either of the following:
  - a. A list of the licensed contractors, licensed subcontractors, and licensed design professionals whom the design-builder proposes to use for the project's design and construction.
  - b. An outline of the strategy the design-builder plans to use for open contractor and subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes.

(d) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation not as many as three responses are received, the governmental entity may then begin negotiations with the highest-ranked design-builder under G.S. 143-64.31 even though fewer than three responses were received. If the governmental entity deems it appropriate, the governmental entity may invite some or all responders to interview with the governmental entity.

(e) The design-builder shall be selected in accordance with Article 3D of this Chapter. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel as listed in sub-subdivision (c)(8)a. of this section after the contract has been awarded. (2013-401, s. 4; 2014-42, s. 7.)

**§ 143-128.1B. Design-build bridging contracts.**

(a) Definitions for purposes of this section:

- (1) Design-build bridging. - A design and construction delivery process whereby a governmental entity contracts for design criteria services under a separate agreement from the construction phase services of the design-builder.
- (2) Design-builder. - An appropriately licensed person, corporation, or entity that, under a single contract, offers to provide or provides design services and general contracting services where services within the scope of the practice of professional engineering or architecture are performed respectively by a licensed engineer or licensed architect and where services within the scope of the practice of general contracting are performed by a licensed general contractor.
- (3) Design criteria. - The requirements for a public project expressed in drawings and specifications sufficient to allow the design-builder to make a responsive bid proposal.
- (4) Design professional. - Any professional licensed under Chapters 83A, 89A, or 89C of the General Statutes.
- (5) First-tier subcontractor. - A subcontractor who contracts directly with the design-builder, excluding design professionals.
- (6) Governmental entity. - Every officer, board, department, commission, or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration, or repair of any buildings for the State or for any county, municipality, or other public body.

(b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which engaging a design criteria design professional is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

- (1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for proposals for a design-builder.
- (2) The time constraints for the delivery of the project.
- (3) The ability to ensure that a quality project can be delivered.
- (4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
- (5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (d) of this section.
- (6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1).



(c) On or before entering into a contract for design-build services under this section, the governmental entity shall select or designate a staff design professional, or a design professional who is independent of the design-builder, to act as its design criteria design professional as its representative for the procurement process and for the duration of the design and construction. If the design professional is not a full-time employee of the governmental entity, the governmental entity shall select the design professional on the basis of demonstrated competence and qualifications as provided by G.S. 143-64.31. The design criteria design professional shall develop design criteria in consultation with the governmental entity. The design criteria design professional shall not be eligible to submit a response to the request for proposals nor provide design input to a design-build response to the request for proposals. The design criteria design professional shall prepare a design criteria package equal to thirty-five percent (35%) of the completed design documentation for the entire construction project. The design criteria package shall include all of the following:

- (1) Programmatic needs, interior space requirements, intended space utilization, and other capacity requirements.
- (2) Information on the physical characteristics of the site, such as a topographic survey.
- (3) Material quality standards or performance criteria.
- (4) Special material requirements.
- (5) Provisions for utilities.
- (6) Parking requirements.
- (7) The type, size, and location of adjacent structures.
- (8) Preliminary or conceptual drawings and specifications sufficient in detail to allow the design-builder to make a proposal which is responsive to the request for proposals.
- (9) Notice of any ordinances, rules, or goals adopted by the governmental entity.

(d) A governmental entity shall issue a public notice of the request for proposals that includes, at a minimum, general information on each of the following:

- (1) The project site.
- (2) The project scope.
- (3) The anticipated project budget.
- (4) The project schedule.
- (5) The criteria to be considered for selection and the weighting of the selection criteria.
- (6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business entities.
- (7) The thirty-five percent (35%) design criteria package prepared by the design criteria design professional.
- (8) Other information provided by the owner to design-builders in submitting responses to the request for proposals for the project.
- (9) A statement providing that each design-builder shall submit in its request for proposal response an explanation of its project team selection, which shall consist of a list of the licensed contractor and licensed design professionals whom the design-builder proposes to use for the project's design and construction.

- (10) A statement providing that each design-builder shall submit in its request for proposal a sealed envelope with all of the following:
- a. The design-builder's price for providing the general conditions of the contract.
  - b. The design-builder's proposed fee for general construction services.
  - c. The design-builder's fee for design services.

(e) Following evaluation of the qualifications of the design-builders, the governmental entity shall rank the design-builders who have provided responses, grouping the top three without ordinal ranking. If after the solicitation for design-builders not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation not as many as three responses are received, the governmental entity may then make its selection. From the grouping of the top three design-builders, the governmental entity shall select the design-builder who is the lowest responsive, responsible bidder based on the cumulative amount of fees provided in accordance with subdivision (d)(10) of this section and taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract. Each design-builder shall certify to the governmental entity that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

(f) The design-builder shall accept bids based upon the provisions of this Article from first-tier subcontractors for all construction work under this section.

(g) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel, as listed under subdivision (d)(9) of this section, after the contract has been awarded. (2013-401, s. 4; 2014-42, s. 6.)

#### **§ 143-128.1C. Public-private partnership construction contracts.**

(a) Definitions for purposes of this section:

- (1) Construction contract. - Any contract entered into between a private developer and a contractor for the design, construction, reconstruction, alteration, or repair of any building or other work or improvement required for a private developer to satisfy its obligations under a development contract.
- (2) Contractor. - Any person who has entered into a construction contract with a private developer under this section.
- (3) Design-builder. - Defined in G.S. 143-128.1B.
- (4) Development contract. - Any contract between a governmental entity and a private developer under this section and, as part of the contract, the private developer is required to provide at least fifty percent (50%) of the financing for the total cost necessary to deliver the capital improvement project, whether through lease or ownership, for the governmental entity. For purposes of determining whether the private developer is providing the minimum percentage of the total financing costs, the calculation shall not include any payment made by a public entity or proceeds of financing arrangements by a private entity where the source of repayment is a public entity.

- (5) Governmental entity. - Defined in G.S. 143-128.1B.
- (6) Labor or materials. - Includes all materials furnished or labor performed in the performance of the work required by a construction contract whether or not the labor or materials enter into or become a component part of the improvement and shall include gas, power, light, heat, oil, gasoline, telephone services, and rental of equipment or the reasonable value of the use of equipment directly utilized in the performance of the work required by a construction contract.
- (7) Private developer. - Any person who has entered into a development contract with a governmental entity under this section.
- (8) Public-private project. - A capital improvement project undertaken for the benefit of a governmental entity and a private developer pursuant to a development contract that includes construction of a public facility or other improvements, including paving, grading, utilities, infrastructure, reconstruction, or repair, and may include both public and private facilities.
- (9) State entity. - The State and every agency, authority, institution, board, commission, bureau, council, department, division, officer, or employee of the State. The term does not include a unit of local government as defined in G.S. 159-7.
- (10) State-supported financing arrangement. - Any installment financing arrangement, lease-purchase arrangement, arrangement under which funds are to be paid in the future based upon the availability of an asset or funds for payment, or any similar arrangement in the nature of a financing, under which a State entity agrees to make payments to acquire or obtain ownership or beneficial use of a capital asset for the State entity or any other State entity for a term, including renewal options, of greater than one year. Any arrangement that results in the identification of a portion of a lease payment, installment payment, or similar scheduled payment thereunder by a State entity as "interest" for purposes of federal income taxation shall automatically be a State-supported financing arrangement for purposes of this section. A true operating lease is not a State-supported financing arrangement.
- (11) Subcontractor. - Any person who has contracted to furnish labor, services, or materials to, or who has performed labor or services for, a contractor or another subcontractor in connection with a development contract.

(b) If the governmental entity determines in writing that it has a critical need for a capital improvement project, the governmental entity may acquire, construct, own, lease as lessor or lessee, and operate or participate in the acquisition, construction, ownership, leasing, and operation of a public-private project, or of specific facilities within such a project, including the making of loans and grants from funds available to the governmental entity for these purposes. If the governmental entity is a public body under Article 33C of this Chapter, the determination shall occur during an open meeting of that public body. The governmental entity may enter into development contracts with private developers with respect to acquiring, constructing, owning, leasing, or operating a project under this section. If the development contract is entered into by a governmental entity that is a unit of local government as defined in G.S. 159-7, and the unit must finance all or part of its portion of the cost of the project, then the amount financed by the unit is subject to approval by the Local Government Commission as provided in Chapter 159 of the

General Statutes. Approval must be secured prior to the execution of the development contract. The development contract shall specify the following:

- (1) The property interest of the governmental entity and all other participants in the development of the project.
- (2) The responsibilities of the governmental entity and all other participants in the development of the project.
- (3) The responsibilities of the governmental entity and all other participants with respect to financing of the project.
- (4) The responsibilities to put forth a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(c) The development contract may provide that the private developer shall be responsible for any or all of the following:

- (1) Construction of the entire public-private project.
- (2) Reconstruction or repair of the public-private project or any part thereof subsequent to construction of the project.
- (3) Construction of any addition to the public-private project.
- (4) Renovation of the public-private project or any part thereof.
- (5) Purchase of apparatus, supplies, materials, or equipment for the public-private project whether during or subsequent to the initial equipping of the project.
- (6) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(d) The development contract may also provide that the governmental entity and private developer shall use the same contractor or contractors in constructing a portion of or the entire public-private project. If the development contract provides that the governmental entity and private developer shall use the same contractor, the development contract shall include provisions deemed appropriate by the governmental entity to assure that the public facility or facilities included in or added to the public-private project are constructed, reconstructed, repaired, or renovated at a reasonable price and that the apparatus, supplies, materials, and equipment purchased for the public facility or facilities included in the public-private project are purchased at a reasonable price. For public-private partnerships using the design-build project delivery method, the provisions of G.S. 143-128.1A shall apply.

(e) A private developer and its contractors shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.

(f) A private developer may perform a portion of the construction or design work only if both of the following criteria apply:

- (1) A previously engaged contractor defaults, and a qualified replacement cannot be obtained after a good-faith effort has been made in a timely manner.
- (2) The governmental entity approves the private developer to perform the work.

(g) The following bonding provisions apply to any development contract entered into under this section:

- (1) A payment bond shall be required for any development contract as follows: A payment bond in the amount of one hundred percent (100%) of the total anticipated amount of the construction contracts to be entered into between the private developer and the contractors to design or construct the improvements required by the development contract. The payment bond shall be conditioned upon the prompt payment for all labor or materials for which the private

developer or one or more of its contractors or those contractors' subcontractors are liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor or services for which the private developer or its contractors or subcontractors are liable. The total anticipated amount of the construction contracts shall be stated in the development contract and certified by the private developer as being a good-faith projection of its total costs for designing and constructing the improvements required by the development contract. The payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the development contract. The development contract may provide for the requirement of a performance bond.

- (2)
  - a. Subject to the provisions of this subsection, any claimant who has performed labor or furnished materials in the prosecution of the work required by any contract for which a payment bond has been given pursuant to the provisions of this subsection, and who has not been paid in full therefor before the expiration of 90 days after the day on which the claimant performed the last labor or furnished the last materials for which that claimant claims payment, may bring an action on the payment bond in that claimant's own name to recover any amount due to that claimant for the labor or materials and may prosecute the action to final judgment and have execution on the judgment.
  - b. Any claimant who has a direct contractual relationship with any contractor or any subcontractor but has no contractual relationship, express or implied, with the private developer may bring an action on the payment bond only if that claimant has given written notice of claim on the payment bond to the private developer within 120 days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which that claimant claims payment, in which that claimant states with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.
  - c. The notice required by sub-subdivision b. of this subdivision shall be served by certified mail or by signature confirmation as provided by the United States Postal Service, postage prepaid, in an envelope addressed to the private developer at any place where that private developer's office is regularly maintained for the transaction of business or in any manner provided by law for the service of summons. The claimants' service of a claim of lien on real property or a claim of lien on funds as funds as allowed by Article 2 of Chapter 44A of the General Statutes on the private developer shall be deemed, nonexclusively, as adequate notice under this section.
- (3) Every action on a payment bond as provided in this subsection shall be brought in a court of appropriate jurisdiction in a county where the development contract or any part thereof is to be or has been performed. Except as provided in G.S. 44A-16(c), no action on a payment bond shall be commenced after one

year from the day on which the last of the labor was performed or material was furnished by the claimant.

- (4) No surety shall be liable under a payment bond for a total amount greater than the face amount of the payment bond. A judgment against any surety may be reduced or set aside upon motion by the surety and a showing that the total amount of claims paid and judgments previously rendered under the payment bond, together with the amount of the judgment to be reduced or set aside, exceeds the face amount of the bond.
- (5) No act of or agreement between the governmental entity, a private developer, or a surety shall reduce the period of time for giving notice under subdivision (2)b. of this subsection or commencing action under subdivision (3) of this subsection or otherwise reduce or limit the liability of the private developer or surety as prescribed in this subsection. Every bond given by a private developer pursuant to this subsection shall be conclusively presumed to have been given in accordance with the provisions of this subsection, whether or not the bond is drawn as to conform to this subsection. The provisions of this subsection shall be conclusively presumed to have been written into every bond given pursuant to this subsection.
- (6) Any person entitled to bring an action or any defendant in an action on a payment bond shall have a right to require the governmental entity or the private developer to certify and furnish a copy of the payment bond, the development contract, and any construction contracts covered by the bond. It shall be the duty of the private developer or the governmental entity to give any such person a certified copy of the payment bond and the construction contract upon not less than 10 days' notice and request. The governmental entity or private developer may require a reasonable payment for the actual cost of furnishing the certified copy. A copy of any payment bond, development contract, and any construction contracts covered by the bond certified by the governmental entity or private developer shall constitute prima facie evidence of the contents, execution, and delivery of the bond, development contract, and construction contracts.
- (7) A payment bond form containing the following provisions shall comply with this subsection:
  - a. The date the bond is executed.
  - b. The name of the principal.
  - c. The name of the surety.
  - d. The governmental entity.
  - e. The development contract number.
  - f. All of the following:
    - 1. "KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named [governmental entity], hereinafter called [governmental entity], in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents."

2. "THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain development contract with [governmental entity], numbered as shown above and hereto attached."
  3. "NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the construction or design work provided for in the development contract, and any and all duly authorized modifications of the contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue."
  4. "IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body." Appropriate places for execution by the surety and principal shall be provided.
- (8) In any suit brought or defended under the provisions of this subsection, the presiding judge may allow reasonable attorneys' fees to the attorney representing the prevailing party. Attorneys' fees under this subdivision are to be taxed as part of the court costs and shall be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this subdivision, the term "prevailing party" means a party plaintiff or third-party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or a party defendant or third-party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the provisions of this subdivision, if an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.
- (9) The obligations and lien rights set forth in Article 2 of Chapter 44A of the General Statutes shall apply to a project awarded under this section to the extent of any property interests held by the private developer in the project. For purposes of applying the provisions of Article 2 of Chapter 44A of the General Statutes, the private developer shall be deemed the owner to the extent of that private developer's ownership interest. This subdivision shall not be construed as making the provisions of Article 2 of Chapter 44A of the General Statutes apply to governmental entities or public buildings to the extent of any property interest held by the governmental entity in the building.
- (h) The governmental entity shall determine its programming requirements for facilities to be constructed under this section and shall determine the form in which private developers may

submit their qualifications. The governmental entity shall advertise a notice for interested private developers to submit qualifications in a newspaper having general circulation within the county in which the governmental entity is located. Prior to the submission of qualifications, the governmental entity shall make available, in whatever form it deems appropriate, the programming requirements for facilities included in the public-private project. Any private developer submitting qualifications shall include the following:

- (1) Evidence of financial stability. However, "trade secrets" as that term is defined in G.S. 66-152(3) shall be exempt from disclosure under Chapter 132 of the General Statutes.
- (2) Experience with similar projects.
- (3) Explanation of project team selection by either listing of licensed contractors, licensed subcontractors, and licensed design professionals whom the private developer proposes to use for the project's design and construction or a statement outlining a strategy for open contractor and subcontractor selection based upon the provisions of this Article.
- (4) Statement of availability to undertake the public-private project and projected time line for project completion.
- (5) Any other information required by the governmental entity.

(i) Based upon the qualifications package submitted by the private developers and any other information required by the governmental entity, the governmental entity may select one or more private developers with whom to negotiate the terms and conditions of a contract to perform the public-private project. The governmental entity shall advertise the terms of the proposed contract to be entered into by the governmental entity in a newspaper having general circulation within the county in which the governmental entity is located at least 30 days prior to entering into the development contract. If the governmental entity is a public body under Article 33C of this Chapter, the development contract shall be considered in an open meeting of that public body following a public hearing on the proposed development contract. Notice of the public hearing shall be published in the same notice as the advertisement of the terms under this subsection.

(j) The governmental entity shall make available a summary of the development contract terms which shall include a statement of how to obtain a copy of the complete development contract.

(k) Leases and other agreements entered into under this section are subject to approval as follows:

- (1) If a capital lease or operating lease is entered into by a unit of local government as defined in G.S. 159-7, that capital lease or operating lease is subject to approval by the local government commission under Article 8 of Chapter 159 of the General Statutes if it meets the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3), 159-148(a)(4) or 159-153. For purposes of determining whether the standards set out in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar (\$500,000) threshold applies.
- (2) If a capital lease or other agreement entered into by a State entity constitutes a State-supported financing arrangement and requires payments thereunder that are payable, whether directly or indirectly, and whether or not subject to the appropriation of funds for such payment, by payments from the General Fund of the State or other funds and accounts of the State that are funded from the general revenues and other taxes and fees of the State or State entities, not



including taxes and fees that are required to be deposited to the Highway Fund or Highway Trust Fund to be used to make payments under capital leases or other agreements for projects covered under Article 14B of Chapter 136 of the General Statutes, that capital lease or other agreement shall be subject to the approval procedures required for special indebtedness by G.S. 142-83 and G.S. 142-84. This requirement shall not apply to any arrangement where bonds or other obligations are issued or incurred by a State entity to carry out a financing program authorized by the General Assembly under which such bonds or other obligations are payable from monies derived from specified, limited, nontax sources, so long as the payments under that arrangement by a State entity are limited to the sources authorized by the General Assembly.

(l) A capital lease or operating lease entered into under this section may not contain any provision with respect to the assignment of specific students or students from a specific area to any specific school.

(m) This section shall not apply to any contract or other agreement between or among The University of North Carolina or one of its constituent institutions, a private, nonprofit corporation established under Part 2B of Article 1 of Chapter 116 of the General Statutes, or any private foundation, private association, or private club created for the primary purpose of financial support to The University of North Carolina or one of its constituent institutions. (2013-401, s. 4; 2015-241, s. 31.11(a); 2021-58, s. 2(a).)

**§ 143-291. Industrial Commission constituted a court to hear and determine claims; damages; liability insurance in lieu of obligation under Article.**

(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority that was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages that the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of damages as provided in subsection (a1) of this section, but in no event shall the amount of damages awarded exceed the amounts authorized in G.S. 143-299.2 cumulatively to all claimants on account of injury and damage to any one person arising out of a single occurrence. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article. The fact that a claim may be brought under more than one Article under this Chapter shall not increase the foregoing maximum liability of the State.

(a1) The unit of State government that employed the employee at the time the cause of action arose shall pay the first one hundred fifty thousand dollars (\$150,000) of liability, and the balance of any payment owed shall be paid in accordance with G.S. 143-299.4.

(b) If a State agency, otherwise authorized to purchase insurance, purchases a policy of commercial liability insurance providing coverage in an amount at least equal to the limits of the State Tort Claims Act, such insurance coverage shall be in lieu of the State's obligation for payment under this Article.

(c) The North Carolina High School Athletic Association, Inc., is a State agency for purposes of this Article, and its liability in tort shall be only under this Article. This subsection does not extend to any independent contractor of the Association. The Association shall be obligated for payments under this Article, through the purchase of commercial insurance or otherwise, in lieu of any responsibility of the State or The University of North Carolina for this payment. The Association shall be similarly obligated to reimburse or have reimbursed the Department of Justice for any expenses in defending any claim against the Association under this Article.

(d) Liability in tort of the State Health Plan for Teachers and State Employees for noncertifications as defined under G.S. 58-50-61 shall be only under this Article. (1951, c. 1059, s. 1; 1953, c. 1314; 1955, c. 400, s. 1; c. 1102, s. 1; c. 1361; 1957, c. 65, s. 11; 1965, c. 256, s. 1; 1967, c. 1206, s. 1; 1971, c. 893, s. 1; 1973, c. 507, s. 5; c. 1225, s. 1; 1977, c. 464, s. 34; c. 529, ss. 1, 2; 1979, c. 1053, s. 1; 1987, c. 684, s. 1; 1987 (Reg. Sess., 1988), c. 1087, s. 1; 1993 (Reg. Sess., 1994), c. 769, s. 19.33(a); c. 777, s. 5(a); 2000-67, ss. 7A(a), 7A(b); 2001-446, s. 5(f); 2007-323, s. 28.22A(o); 2007-345, s. 12.)

#### **§ 143-341. Powers and duties of Department.**

The Department of Administration has the following powers and duties:

- (1) Repealed by Session Laws 1979, 2nd Session, c. 1137, s. 38.
- (2) Purchase and Contract:
  - a. To exercise those powers and perform those duties which were, at the time of the ratification of this Article, conferred by statute upon the former Division of Purchase and Contract.
- (3) Architecture and Engineering:
  - a. To examine and approve all plans and specifications for the construction or renovation of the following:
    1. All State buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises jurisdiction. For the purposes of this sub-sub-subdivision, buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark are exempt.
    2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.
  - a1. To organize and schedule, within three weeks of designer selection and before the design contract is let, a meeting of the stakeholders for each

State capital improvement project to discuss plan review requirements and to define the terms of the memorandum of understanding developed by the State Building Commission pursuant to G.S. 143-135.26(2). The stakeholders shall include the funded agency, each State agency having plan review responsibilities for the project, and the selected designer. Notwithstanding the foregoing, the meeting need not be scheduled if the funded agency so requests.

- b. To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.
- b1. To certify that a statement of needs pursuant to G.S. 143C-3-3, other than for a project of The University of North Carolina for which advance planning has not been completed, is feasible. For purposes of this sub-subdivision, "feasible" means that the proposed project is sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed with the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-subdivision shall not apply to requests for appropriations below the formal project limit, as set by the State Building Commission.
- c. To supervise the letting of all contracts for the design, construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision.
- d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; to act as the appropriate official inspector or inspection department for purposes of G.S. 143-143.2; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.
- e. To require all State agencies to use existing plans and specifications for construction projects, where feasible. Prior to designing a project, State agencies shall consult with the Department of Administration on the availability of appropriate existing plans and specifications and the feasibility of using them for a project.
- f. To provide written allocation of the deduction allowed under section 179D of the Code, as defined in G.S. 105-228.90, for designing energy efficient commercial building property that is installed on or in property owned by the State. The allocation must be made in accordance with section 179D of the Code.

Except for sub-subdivisions b., b1., e., and f. of this subdivision, this subdivision does not apply to either (i) the design, construction, or renovation of projects by The University of North Carolina pursuant to G.S. 116-31.11 or (ii) the North Carolina Zoological Park Council and the Department of Natural

and Cultural Resources, with respect to projects at the North Carolina Zoological Park pursuant to G.S. 143B-135.214.

(4) Real Property Control:

- a. To prepare and keep current a complete and accurate inventory of all land owned or leased by the State or by any State agency. This inventory shall show the location, including the latitude and longitude of the center of the property, acreage, description, source of title and current use of all land (including swamplands or marshlands) owned by the State or by any State agency, and the agency to which each tract is currently allocated. Surveys may be made where necessary to obtain information for the purposes of this inventory. Accurate plats or maps of all such land may be prepared, or copies obtained where such maps or plats are available.
- b. To prepare and keep current a complete and accurate database of all buildings owned or leased (in whole or in part) by the State or by any State agency. This database shall serve as the State inventory and shall include all of the following information and floor plans of every such building shall be prepared or copies obtained where such floor plans are available, where needed for use in the allocation of space therein:
  1. The building's location, including the latitude and longitude of the center of the building.
  2. A description of the operations supported by the building.
  3. The agency or agencies that occupy the building.
  4. Ownership information for the building.
  5. The size of the building in terms of both gross and usable square feet.
  6. A description of the building.
  7. The building's condition assessment, including the estimated cost to make needed repairs and renovations as well as the date that the last condition assessment was completed.
  8. The building's annual operating costs.
  9. The building's annual maintenance costs.
  10. The number of usable workspaces contained in the building.
  11. The number of full-time equivalent positions assigned to the building by each agency occupant.
  12. The amount of the building that is utilized, measured in accordance with the procedures developed pursuant to G.S. 143-341.2(a)(3).
  13. Maintenance record, including replacement and maintenance schedules for all major mechanical systems.
  14. Parking and employee facilities.
  15. Any other information deemed relevant by the Department of Administration.
- b1. The Department of Administration shall develop procedures that ensure that the data included in the inventories required by sub-subdivisions a.

- and b. of this subdivision is collected and displayed in a consistent manner across State agencies and land and building types.
- b2. The Department of Administration shall use the North Carolina Identity Management service, or a similar successor program when updating the inventories required by sub-subdivisions a. and b. of this subdivision.
  - b3. Nothing in this sub-subdivision shall be construed to require the release or display of floor plans except upon request by a unit of the executive, legislative, or judicial branch of State government, such as a department, an institution, a division, a commission, a board, a council, or The University of North Carolina.
  - c. To obtain and deposit with the Secretary of State the originals of all deeds and other conveyances of real property to the State or to any State agency, copies of all leases wherein the State or any State agency is lessor or lessee, and certified copies of wills, judgments, and other instruments whereby the State or any State agency has acquired title to real property. Where an original of a deed, lease, or other instrument cannot be found, but has been recorded in the registry of office of the clerk of superior court of any county, a certified copy of such deed, conveyance, or instrument shall be obtained and deposited with the Secretary of State.
  - d. To acquire, whether by purchase, exercise of the power of eminent domain, lease, or rental, all land, buildings, and space in buildings for all State agencies, subject to the approval of the Governor and Council of State in each instance. The Governor, acting with the approval of the Council of State, may adopt rules (i) exempting from any or all of the requirements of this paragraph such classes of lease, rental, easement, and right-of-way transactions as he deems advisable; and (ii) authorizing any State agency to enter into and/or approve the classes of transactions thus exempted from the requirements of this paragraph; and (iii) delegating to any other State agency the authority to approve the severance of buildings and standing timber from State lands; upon such approval of severance, the buildings and timber so affected shall be treated, for the purposes of this Chapter, as personal property. Any contract entered into or any proceeding instituted contrary to the provisions of this paragraph is voidable in the discretion of the Governor and Council of State.
  - d1. To require all State departments, institutions, and agencies to use State-owned office space instead of negotiating or renegotiating leases for rental of office space. In investigating the availability of office space already owned by the State or by a State agency which might meet the requirements of the requesting agency, the Department of Administration shall review the utilization information maintained in the real property database pursuant to this subdivision. Any lease entered into contrary to the provisions of this paragraph is voidable in the discretion of the Governor and the Council of State.

The Department of Administration shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than May 1 of each year on leased office space.

- d2. To purchase or finance the purchase of buildings, utilities, structures, or other facilities or property developments, including streets and landscaping, the acquisition of land, equipment, machinery, and furnishings in connection therewith; additions, extensions, enlargements, renovations, and improvements to existing buildings, utilities, structures, or other facilities or property developments, including streets and landscaping; land or any interest in land; other infrastructure; furniture, fixtures, equipment, vehicles, machinery, and similar items; or any combination of the foregoing, through installment-purchase, lease-purchase, or other similar type installment financing agreements in the manner and to the extent provided in Article 9 of Chapter 142 of the General Statutes. Any contract entered into or any proceeding instituted contrary to the provisions of this paragraph is voidable in the discretion of the Council of State.
- e. To make all sales of real property (including marshlands or swamplands) owned by the State or by any State agency, with the approval of the Governor and Council of State in each instance. All conveyances in fee by the State shall be executed in accordance with the provisions of G.S. 146-74 through 146-78. Any conveyance of land made or contract to convey land entered into without the approval of the Governor and Council of State is voidable in the discretion of the Governor and Council of State. The proceeds of all sales of swamplands or marshlands shall be dealt with in the manner required by the Constitution and statutes.
- f. With the approval of the Governor and Council of State, to make all leases and rentals of land or buildings owned by the State or by any State agency, and to sublease land or buildings leased by the State or by any State agency from another owner, where such land or building owned or leased by the State or by any State agency is not needed for current use. The Governor, acting with the approval of the Council of State, may adopt rules (i) exempting from any or all of the requirements of this paragraph such classes of lease or rental transactions as he deems advisable; and (ii) authorizing any State agency to enter into and/or approve the classes of transactions thus exempted from the requirements of this paragraph; and (iii) delegating to any other State agency the authority to approve the severance of buildings and standing timber from State lands; upon such approval of severance, the buildings and timber so affected shall be treated, for the purposes of this Chapter, as personal property. Any lease or rental agreement entered into contrary to the provisions of this paragraph is voidable in the discretion of the Governor and Council of State.

- g. To allocate and reallocate land, buildings, and space in buildings to the several State agencies, in accordance with rules adopted by the Governor with the approval of the Council of State; provided that if the proposed reallocation is of land with an appraised value of at least twenty-five thousand dollars (\$25,000), the reallocation may only be made after consultation with the Joint Legislative Commission on Governmental Operations. The authority granted in this paragraph shall not apply to the State Legislative Building and grounds or to the Legislative Office Building and grounds.
- h. To require any State agency to make reports regarding the land and buildings owned by it or allocated to it at such times and in such form as the Department may deem necessary.
- i. To determine whether all deeds, judgments, and other instruments whereby title to real estate has been or may be acquired by the State or by any State agency have been properly recorded in the county wherein the real property is situated, and to make or cause to be made proper recordation of such instruments. The Department may have previously recorded instruments which conveyed title to or from the State or any State agency or officer reindexed, where necessary, to show the State of North Carolina or grantor or grantee, as the case may be, and the cost of such reindexing shall be paid from the State Land Fund.
- j. To call upon the Attorney General for advice and assistance in the performance of any of the foregoing duties.
- k. None of the provisions of this subdivision apply to highway or railroad rights-of-way or other interests or estates in land held for the same or similar purposes, or to the acquisition or disposition of such rights-of-way, interests, or estates in land.
- l. To manage and control the vacant and unappropriated lands, swamplands, lands acquired by the State by virtue of being sold for taxes, and submerged lands of the State, pursuant to Chapter 146 of the General Statutes.
- m. To contract for or approve all contracts for all appraisals and surveys of real property for all State agencies; provided, however, this provision shall not apply to appraisals and surveys obtained in connection with the acquisition of highway rights-of-way, borrow pits, or other interests or estates in land acquired for the same or similar purposes, or to the disposition thereof, by the Board of Transportation.
- n. To petition for the annexation of state-owned lands into any municipality.
- o. To provide that no fee, other than reimbursement of actual costs incurred and actual revenues lost by the State, shall be charged when State buildings are made available to a production company for a production. As used in this subdivision, the term "production company" has the meaning provided in G.S. 105-164.3.

(5) Administrative Analysis:

- a. To study the organization, methods, and procedures of all State agencies, to formulate plans for improvements in the organization, methods, and procedures of any agency studied, and to advise and assist any agency studied in effecting improvements in its organization, methods, and procedures.
  - b. To report to the Governor its findings and recommendations concerning improvements in the organization, methods, and procedures of any State agency, when such improvements cannot be effected by the cooperative efforts of the Department and the agency concerned.
  - c. To submit to the Governor for transmittal to the General Assembly recommended legislation where such legislation is necessary to effect improvements in the organization, methods, and procedures of any State agency.
- (6) State and Regional Planning:
- a. To assist the Director of the Budget in reviewing the capital improvements needs and requests of all State agencies, and in preparing a coordinated biennial capital improvements budget and longer range capital improvements programs.
  - b. In cooperation with State agencies and other public and private agencies, to collect, analyze, and keep up-to-date a comprehensive collection of economic and social data pertinent to State planning, which shall be available to State and local governmental agencies and private agencies.
  - c. To coordinate and review all planning activity relative to federal government requirements for general statewide or regional comprehensive program planning.
  - d. To make economic analyses, studies, and projections and to advise the Governor on courses of action desirable for the maintenance of a sound economy.
  - e. To encourage and assist in the development of the planning process within State and local governmental agencies.
  - f. To assist State agencies by providing them with basic information and technical assistance needed in preparing their short-range and long-range programs.
  - g. To develop and maintain liaison and cooperative arrangements with federal, interstate, State, and private agencies and organizations in the interest of obtaining information and assistance with respect to State and regional planning.
  - h. To develop and maintain a comprehensive plan for the development of the State, representing the coordinated efforts and contributions of all participating planning groups.
  - i. In cooperation with the counties, the cities and towns, the federal government, multi-state commissions and private agencies and organizations, to develop a system of multi-county, regional planning districts to cover the entire State, and to assist in preparing for those districts comprehensive development plans coordinated with the comprehensive development plan for the State.



- (7) Development Programs:
  - a. To participate in development programs, to enter into contracts, formulate plans and to do all things necessary to implement development programs in any area of the State.
  - b. To accept, receive and disburse, in furtherance of its functions, any funds, grants and services made available by the federal government and its agencies, any county, municipality, private or civic sources.
- (8) General Services:
  - a. To locate, maintain and care for public buildings and grounds; to establish, locate, maintain, and care for walks, driveways, trees, shrubs, flowers, fountains, monuments, memorials, markers, and tablets on public grounds; and to beautify the public grounds.
  - b. To provide necessary and adequate cleaning and janitorial service, elevator operation service, and other operation or maintenance services for the public buildings and grounds.
  - c. To provide necessary night watchmen for the public buildings and grounds.
  - d. To make prompt repair of all public buildings and the equipment, furniture, and fixtures thereof; and to establish and operate shops for that purpose.
  - e. To keep in repair, out of funds appropriated for that purpose, the furniture of the halls of the Senate and House of Representatives and the rooms of the Capitol used by the officers, clerks, and other employees of the General Assembly.
  - f. Struck out by Session Laws 1959, c. 68, s. 3.
  - g. To establish and operate a mail service center that shall be used by all State agencies other than the Division of Employment Security (DES) of the Department of Commerce, and in connection therewith and in the discretion of the Secretary, to do all things necessary in connection with the maintenance of the mail service center. The Secretary shall allocate and charge against the respective departments and agencies their proportionate parts of the cost of the maintenance of the mail service center. The Secretary shall develop a plan for the efficient operation of the center that meets the needs of State agencies, ensures timely delivery of mail, and ensures no loss of federal funds.
  - h. To provide necessary and adequate messenger service for the State agencies served by the Department. However, this may not be construed as preventing the employment and control of messengers by any State agency when those messengers are compensated out of the funds of the employing agency.
  - i. To establish and operate a central motor fleet and such subsidiary related facilities as the Secretary may deem necessary, and to that end:
    - 1. To establish and operate central facilities for the maintenance, repair, and storage of state-owned passenger motor vehicles for the use of State agencies; to utilize any available State facilities

for that purpose; and to establish such subsidiary facilities as the Secretary may deem necessary.

2. To acquire passenger motor vehicles by transfer from other State agencies and by purchase. All motor vehicles transferred to or purchased by the Department shall become part of a central motor fleet.
  - 2a. Every new motor vehicle transferred to or purchased by the Department that is designed to operate on diesel fuel shall be covered by an express manufacturer's warranty that allows the use of B-20 fuel, as defined in G.S. 143-58.4. This sub-sub-subdivision does not apply if the intended use, as determined by the Department, of the new motor vehicle requires a type of vehicle for which an express manufacturer's warranty allows the use of B-20 fuel is not available.
  - 2b. As used in this sub-sub-subdivision, "fuel economy" and "class of comparable automobiles" have the same meaning as in Part 600 of Title 40 of the Code of Federal Regulations (July 1, 2008 Edition). As used in this sub-sub-subdivision, "passenger motor vehicle" has the same meaning as "private passenger vehicle" as defined in G.S. 20-4.01. Notwithstanding the requirements of sub-sub-subdivision 2a. of this sub-subdivision, every request for proposals for new passenger motor vehicles to be purchased by the Department shall state a preference for vehicles that have a fuel economy for the new vehicle's model year that is in the top fifteen percent (15%) of its class of comparable automobiles. The award for every new passenger motor vehicle that is purchased by the Department shall be based on the Department's evaluation of the best value for the State, taking into account fuel economy ratings and life cycle cost that reasonably consider both projected fuel costs and acquisition costs. This sub-sub-subdivision does not apply to vehicles used in law enforcement, emergency medical response, and firefighting.
  - 2c. To participate in the energy credit banking and selling program under G.S. 143-58.4. The Division of Motor Fleet Management of the Department of Administration is eligible to receive proceeds from the Alternative Fuel Revolving Fund under G.S. 143-58.5 to purchase alternative fuel, develop alternative fuel refueling infrastructure, or purchase AFVs as defined in G.S. 143-58.4.
3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the Alcohol Law Enforcement Division of the Department of Public Safety, the

Samarcand Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes.

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the Department, using best management practices. The Department shall ensure that state-owned vehicles are replaced when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor fleet, including the amount of any savings from use of any new or revised replacement formula.
5. Upon proper requisition, proper showing of need for use on State business only, and proper showing of proof that all persons who will be driving the motor vehicle have valid drivers' licenses, to assign economically suitable transportation, either on a temporary or permanent basis, to any State employee or agency. An agency assigned a motor vehicle may not allow a person to operate that motor vehicle unless that person displays to the agency and allows the agency to copy that person's valid driver's license. Notwithstanding G.S. 20-30(6), persons or agencies requesting assignment of motor vehicles may photostat or otherwise reproduce drivers' licenses for purposes of complying with this subpart.

As used in this subpart, "economically suitable transportation" means the most cost-effective standard vehicle in the State motor fleet, unless special towing provisions are required by the agency. The Department may not assign any employee or agency a motor vehicle that is not economically suitable. The Department shall not approve requests for vehicle assignment or reassignment when the purpose of that assignment or reassignment is to provide any employee with a newer or lower mileage vehicle because of his or her rank, management authority, or length of service or because of any non-job-related reason. The Department shall not assign "special use" vehicles, such as four-wheel drive vehicles or law enforcement vehicles, to any agency or individual except upon written justification, verified by historical data, and accepted by the Secretary. The Department may provide law enforcement vehicles only to those agencies which have statutory pursuit authority.

6. To allocate and charge against each State agency to which transportation is furnished its proportionate part of the cost of maintenance and operation of the motor fleet.

The amount allocated and charged by the Department of Administration to State agencies to which transportation is furnished shall take into account all of the following: (i) vehicle replacement cost, (ii) maintenance cost, (iii) insurance, (iv) use of telematics devices, and (v) the Department's administration cost.

7. To adopt, with the approval of the Governor, reasonable rules for the efficient and economical operation, maintenance, repair, and replacement, as limited by sub-sub-subdivision 4. of sub-subdivision i. of this subdivision, of all state-owned motor vehicles under the control of the Department, and to enforce those rules; and to adopt, with the approval of the Governor, reasonable rules regulating the use of private motor vehicles upon State business by the officers and employees of State agencies, and to enforce those rules. The Department, with the approval of the Governor, may delegate to the respective heads of the agencies to which motor vehicles are permanently assigned by the Department the duty of enforcing the rules adopted by the Department pursuant to this sub-sub-subdivision. Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a Class 1 misdemeanor. Nothing in this sub-subdivision shall be construed as prohibiting the Department from contracting with private vendors for short-term rental motor vehicles to be used by officers and employees of State agencies for State business.
- 7a. To adopt with the approval of the Governor and to enforce rules and to coordinate State policy regarding (i) the permanent assignment of state-owned passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for the limited commuting permitted by this subdivision. For the purpose of this subdivision 7a., "state-owned passenger motor vehicle" includes any state-owned passenger motor vehicle, whether or not owned, maintained or controlled by the Department of Administration, and regardless of the source of the funds used to purchase it. Notwithstanding the provisions of G.S. 20-190 or any other provisions of law, all state-owned passenger motor vehicles are subject to the provisions of this subdivision 7a.; no permanent assignment shall be made and no one shall be exempt from payment of reimbursement for commuting or from the other provisions of this subdivision 7a. except as provided by this subdivision 7a. Commuting, as defined and regulated by this subdivision, is limited to those specific cases in which the Secretary has received and accepted written justification, verified by historical data. The Department shall not assign any state-owned motor vehicle that may be used for commuting

other than those authorized by the procedure prescribed in this subdivision.

A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless (i) the individual's duties are routinely related to public safety or (ii) the individual's duties are likely to expose the individual routinely to life-threatening situations. A State-owned passenger motor vehicle shall also not be permanently assigned to an agency that is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless the agency can justify to the Division of Motor Fleet Management the need for permanent assignment because of the unique use of the vehicle. Each agency, other than the Department of Transportation, that has a vehicle assigned to it or has an employee to whom a vehicle is assigned shall submit a quarterly report to the Division of Motor Fleet Management on the miles driven during the quarter by the assigned vehicle. The Division of Motor Fleet Management shall review the report to verify that each motor vehicle has been driven at the minimum allowable rate. If it has not and if the department by whom the individual to which the car is assigned is employed or the agency to which the car is assigned cannot justify the lower mileage for the quarter, the permanent assignment shall be revoked immediately. The Department of Transportation shall submit an annual report to the Division of Motor Fleet Management on the miles driven during the year by vehicles assigned to the Department or to employees of the Department. If a vehicle included in this report has not been driven at least 12,600 miles during the year, the Department of Transportation shall review the reasons for the lower mileage and decide whether to terminate the assignment. The Division of Motor Fleet Management may not revoke the assignment of a vehicle to the Department of Transportation or an employee of that Department for failure to meet the minimum mileage requirement unless the Department of Transportation consents to the revocation.

Every individual who uses a State-owned passenger motor vehicle, pickup truck, or van to drive between the individual's official work station and his or her home, shall reimburse the State for these trips at a rate computed by the Department. This rate shall approximate the benefit derived from the use of the vehicle as prescribed by federal law. Reimbursement shall be for 20 days per month regardless of how many days the individual uses the vehicle to commute during the month. Reimbursement shall be made by payroll deduction. Funds derived from

reimbursement on vehicles owned by the Motor Fleet Management Division shall be deposited to the credit of the Division; funds derived from reimbursements on vehicles initially purchased with appropriations from the Highway Fund and not owned by the Division shall be deposited in a Special Depository Account in the Department of Transportation, which shall revert to the Highway Fund; funds derived from reimbursement on all other vehicles shall be deposited in a Special Depository Account in the Department of Administration which shall revert to the General Fund. Commuting, for purposes of this sub-sub-subdivision, does not include those individuals whose office is in their home, as determined by the Department of Administration, Division of Motor Fleet Management. Also, this sub-sub-subdivision does not apply to the following vehicles: (i) clearly marked police and fire vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person capacities, (vi) ambulances, (vii) [Repealed]. (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized utility repair trucks (except vans and pickup trucks), (xv) tractors, (xvi) unmarked law-enforcement vehicles that are used in undercover work and are operated by full-time, fully sworn law-enforcement officers whose primary duties include carrying a firearm, executing search warrants, and making arrests, and (xvii) any other vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal Internal Revenue Service regulations based thereon. The Department of Administration, Division of Motor Fleet Management, shall report quarterly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on individuals who use State-owned passenger motor vehicles, pickup trucks, or vans between their official work stations and their homes, who are not required to reimburse the State for these trips.

The Department of Administration shall revoke the assignment or require the Department owning the vehicle to revoke the assignment of a State-owned passenger motor vehicle, pickup truck or van to any individual who:

- I. Uses the vehicle for other than official business except in accordance with the commuting rules;
- II. Fails to supply required reports to the Department of Administration, or supplies incomplete reports, or supplies reports in a form unacceptable to the

- Department of Administration and does not cure the deficiency within 30 days of receiving a request to do so;
- III. Knowingly and willfully supplies false information to the Department of Administration on applications for permanent assignments, commuting reimbursement forms, or other required reports or forms;
  - IV. Does not personally sign all reports on forms submitted for vehicles permanently assigned to him or her and does not cure the deficiency within 30 days of receiving a request to do so;
  - V. Abuses the vehicle; or
  - VI. Violates other rules or policy promulgated by the Department of Administration not in conflict with this act.

A new requisition shall not be honored until the Secretary of the Department of Administration is assured that the violation for which a vehicle was previously revoked will not recur.

The Department of Administration, with the approval of the Governor, may delegate, or conditionally delegate, to the respective heads of agencies which own passenger motor vehicles or to which passenger motor vehicles are permanently assigned by the Department, the duty of enforcing all or part of the rules adopted by the Department of Administration pursuant to this subdivision 7a. The Department of Administration, with the approval of the Governor, may revoke this delegation of authority.

Notwithstanding the provisions of this section and G.S. 14-247, the Department of Administration may allow the organization sanctioned by the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use State trucks and vans for the State Games of North Carolina. The Department of Administration shall not charge any fees for the use of the vehicles for the State Games. The State shall incur no liability for any damages resulting from the use of vehicles under this provision. The organization that conducts the State Games shall carry liability insurance of not less than one million dollars (\$1,000,000) covering such vehicles while in its use and shall be responsible for the full cost of repairs to these vehicles if they are damaged while used for the State Games.

- 8. To adopt and administer rules for the control of all state-owned passenger motor vehicles and to require State agencies to keep all records and make all reports regarding motor vehicle use as the Secretary deems necessary.
- 9. To acquire motor vehicle liability insurance on all State-owned motor vehicles under the control of the Department.

10. To contract with the appropriate State prison authorities for the furnishing, upon such conditions as may be agreed upon from time to time between such State prison authorities and the Secretary, of prison labor for use in connection with the operation of a central motor fleet and related activities.
11. To report annually to the General Assembly on any rules adopted, amended or repealed under sub-sub-subdivisions 3., 7., or 7a. of this sub-subdivision.
- j. To establish and operate central mimeographing and duplicating services, central stenographical and clerical pools, and other central services, if the Governor after appropriate investigation deems it advisable from the standpoint of efficiency and economy in operation to establish any or all such services. The Secretary may allocate and charge against the respective agencies their proportionate part of the cost of maintenance and operation of the central services which are established, in accordance with the rules adopted by him and approved by the Governor and Council of State pursuant to paragraph k, below. Upon the establishment of central mimeographing and duplicating services, the Secretary may, with the approval of the Governor, require any State agency to be served by those central services to transfer to the Department ownership, custody, and control of any or all mimeographing and duplicating equipment and supplies within the ownership, custody, or control of such agency.
- k. To require the State agencies and their officers and employees to utilize the central facilities and services which are established; and to adopt, with the approval of the Governor and Council of State, reasonable rules and procedures requiring the utilization of such central facilities and services, and governing their operation and the charges to be made for their services.
- l. To provide necessary information service for visitors to the Capitol.
- m. To perform such additional duties and exercise such additional powers as may be assigned to it by statute or by the Governor.
- (9) Repealed by Session Laws 1989, c. 239, s. 2.
- (10) Block Grants. - To establish and maintain a block grants manual that will ensure uniform administration of block grant funds. The manual shall be a comprehensive source of reference for all general and statewide administrative procedures for block grant funds. The manual shall contain the applicable procedures for: the contents of an application, which shall be as simple as possible; the awarding of or contracting with block grant funds; auditing, which shall, to the extent possible, promote the use of single audits of grantees; the ensuring of civil rights compliance by grantees; and monitoring.
- (11) Energy-related matters. - To exercise those powers and perform those duties prescribed in Article 1 of Chapter 113B and Part 1 of Article 3B of Chapter 143 of the General Statutes and Parts 2 and 3 of this Article. (1957, c. 215, s. 2; c. 269, s. 1; 1959, c. 683, ss. 2-4; c. 1326; 1963, c. 1, s. 5; 1965, c. 1023; 1969, c. 1144, s. 2; 1971, c. 1097, s. 3; 1975, c. 399, ss. 1, 2; c. 879, s. 46; 1979, c. 136,



s. 1; c. 544; 1979, 2nd Sess., c. 1137, s. 38; 1981, c. 300; c. 859, ss. 48-51; 1981 (Reg. Sess., 1982), c. 1282, s. 62; 1983, c. 267, s. 1; c. 717, s. 74; c. 761, ss. 58, 151, 173, 174; c. 923, s. 217; 1983 (Reg. Sess., 1984), c. 1034, s. 122; 1985, c. 479, ss. 168, 170, 174; c. 757, ss. 174, 175, 177; c. 791, s. 51; 1985 (Reg. Sess., 1986), c. 955, ss. 94, 94.1; 1987, c. 738, ss. 43-45, 47(a); c. 827, s. 220; c. 874; 1987 (Reg. Sess., 1988), c. 1086, s. 34(b); 1989, c. 58, s. 2; c. 239, s. 2; 1991, c. 542, s. 10; c. 689, s. 22; 1993, c. 539, s. 1030; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 97, s. 1; c. 402, s. 1; 1996, 2nd Ex. Sess., c. 18, s. 10.2; 1997-412, s. 6; 1998-45, s. 1; 2000-140, s. 76(g); 2000-153, s. 2; 2001-424, s. 7.4; 2001-496, s. 8(d); 2002-126, s. 19.2; 2003-177, s. 1; 2003-284, ss. 18.1, 46.3; 2003-314, s. 1.2; 2005-276, s. 6.25(b); 2005-300, s. 1; 2005-413, s. 3; 2006-203, ss. 96, 97; 2006-217, s. 1.1; 2007-420, s. 2; 2007-446, s. 5; 2009-241, s. 1; 2009-474, s. 5; 2010-167, s. 6; 2011-145, ss. 9.19, 19.1(g), 30.12(b); 2011-401, s. 5.1; 2013-360, s. 16B.4(c); 2016-29, s. 1; 2016-119, ss. 2(a), 3(b); 2017-10, s. 4.5; 2017-57, ss. 31.3(d), 36.8(a); 2018-5, s. 16.3; 2019-203, s. 11; 2020-81, s. 4(g); 2020-90, s. 2.4.)

**§ 143B-350. Board of Transportation - organization; powers and duties, etc.**

(a) Board of Transportation. - There is hereby created a Board of Transportation. The Board shall carry out its duties consistent with the needs of the State as a whole. The diversity and size of the State require that regional differences be considered by Board members as they develop transportation policy and projects for the benefit of the citizens of the State. The Board shall carry out its duties consistent with the fiduciary responsibility to ensure the solvency of the State Highway Fund and Highway Trust Fund.

(b) Membership of the Board. -

- (1) Number, appointment. - The Board of Transportation shall have 20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning July 31 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be division members appointed by the Governor. Six members shall be at-large members appointed by the General Assembly, three upon recommendation of the President Pro Tempore of the Senate and three upon recommendation of the Speaker of the House of Representatives. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than two members of the Board may reside in the same highway division.
- (2) Division members. - One member shall be appointed from and be a resident of each of the 14 highway divisions. Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent. The Governor shall appoint one member from each of the fourteen divisions as follows:
  - a. Division 1, beginning in 2020.
  - b. Division 2, beginning in 2022.
  - c. Division 3, beginning in 2020.
  - d. Division 4, beginning in 2022.

- e. Division 5, beginning in 2022.
- f. Division 6, beginning in 2020.
- g. Division 7, beginning in 2022.
- h. Division 8, beginning in 2022.
- i. Division 9, beginning in 2020.
- j. Division 10, beginning in 2022.
- k. Division 11, beginning in 2022.
- l. Division 12, beginning in 2020.
- m. Division 13, beginning in 2022.
- n. Division 14, beginning in 2020.

(3) At-large members. - Six at-large members shall be appointed as follows:

- a. Two members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2020.
- b. One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2022.
- c. Two members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2020.
- d. One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2022.

(c) Staggered Terms. - The terms of all Board members serving on the Board prior to July 31, 2020, shall expire on July 30, 2020. A new board of 20 voting members shall be appointed with terms beginning on July 31, 2020.

(d) Holdover Terms; Vacancies; Removal. - Members shall continue to serve until their successors are appointed. The appointing authority may appoint a member to serve out the unexpired term of any Board member. The appointing authority may remove any member of the Board appointed by that appointing authority for any cause the appointing authority finds sufficient. The appointing authority shall remove any member of the Board upon conviction of a felony, conviction of any offense involving a violation of the Board member's official duties, or for a violation of the provisions of subsections (i), (j), and (k) of this section or any other code of ethics applicable to members of the Board as determined by the appointing authority or the appointing authority's designee.

(e) Organization and Meetings of the Board. - Within 30 days after July 31, 2020, the Governor shall call the Board into session. The Governor shall select a chair from among the Board's membership for a two-year term. The Board shall select a vice-chair from among its membership for a two-year term. The Governor may select a chair for one additional two-year term. The Board may select a vice-chair for one additional two-year term. The Board of Transportation shall meet at least once a month at such regular meeting times as the Board may by rule provide and at any place in the State as the Board may provide. The Board may hold special meetings at any time at the call of the chair or any three members. The Board shall have the power to adopt and enforce rules and regulations for the government of its business and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open to public inspection. The majority of the Board shall constitute a quorum for the transaction of business. Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

(f) Duties and Powers of the Board. - The primary duty of the Board of Transportation shall be to serve as fiduciaries of the State Highway Fund and Highway Trust Fund and ensure the solvency of those funds when carrying out the Board's duties and powers. The Board of Transportation has the following duties and powers:

- (1) To formulate policies and priorities, accountability and performance metrics for all modes, divisions, and central office of the Department of Transportation, including personnel within those divisions, and to hold those modes, divisions, and personnel accountable to those metrics.
- (1a) To review and take action on each Spend Plan developed by the Department of Transportation as required by G.S. 143C-6-11.1. An approved Spend Plan must be fiscally responsible while accomplishing transportation goals across the State.
- (1b) To ensure that the Department of Transportation is operating within the approved Spend Plan.
- (1c) To review and approve the Department's use of bonds, including for federally funded projects.
- (2) To advise the Secretary on matters to increase the performance, efficiency, and effectiveness of the day-to-day operations of the Department of Transportation.
- (3) To ascertain the transportation needs and the alternative means to provide for these needs through an integrated system of transportation.
- (4) To approve a schedule of all major transportation improvement projects and their anticipated cost. This schedule is designated the Transportation Improvement Program. The Board shall publish the schedule in a format that is easily reproducible for distribution and make copies available for distribution in accordance with the process established for public records in Chapter 132 of the General Statutes.
- (4a) To approve a schedule of State highway maintenance projects and their anticipated cost. This schedule is designated the Highway Maintenance Improvement Program and is established in G.S. 136-44.3A. The Board shall publish the schedule on the Department's Web site by April 1 of each year. The document that contains the Highway Maintenance Improvement Program shall include the anticipated funding sources for the improvement projects included in the Highway Maintenance Improvement Program, a list of any changes made from the previous year's Highway Maintenance Improvement Program, and the reasons for the changes.
- (5) Repealed by Session Laws 2020-91, s. 5.1(a), effective July 31, 2020.
- (6) To assist the Secretary of Transportation in the performance of his duties in the development of programs and approve priorities for programs within the Department.
- (7) To allocate all highway construction and maintenance funds appropriated by the General Assembly as well as federal-aid funds which may be available.
- (8) To approve all highway construction programs.
- (9) To approve all highway construction projects and construction plans for the construction of projects.
- (10) To review all statewide maintenance functions.
- (11) To award all highway construction contracts.

(12) To authorize the acquisition of rights-of-way for highway improvement projects, including the authorization for acquisition of property by eminent domain.

(12a) To approve partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by tolls, contracts, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating transportation infrastructure in this State, with priority given to highways, roads, streets, and bridges.

(13) Repealed by Session Laws 2010-165, s. 13, effective August 2, 2010.

(f1) Local Government Participation. - The ability of a local government to pay in part or whole for any transportation improvement project shall not be a factor considered by the Board of Transportation in its development and approval of a schedule of major State highway system improvement projects to be undertaken by the Department under G.S. 143B-350(f)(4).

(f2) Approval of aircraft and ferry purposes. - Before approving the purchase of an aircraft from the Equipment Fund or a ferry in a Transportation Improvement Program, the Board of Transportation shall prepare an estimate of the operational costs and capital costs associated with the addition of the aircraft or ferry and shall report those additional costs to the General Assembly pursuant to G.S. 136-12(b), and to the Joint Legislative Commission on Governmental Operations.

(g) Delegation of Board Duties. - The Board of Transportation shall delegate to the Secretary of Transportation the authority under subdivisions (1) and (2) of this subsection, and may delegate the authority under subdivision (3) of this subsection:

- (1) To approve all highway construction projects and construction plans for the construction of projects;
- (2) To award all highway construction contracts;
- (3) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

The Secretary may, in turn, subdelegate these duties and powers.

(g1) Limitation on Board Duties. - The Board of Transportation shall not make decisions on individual contracts, projects, or personnel matters.

(h) Repealed by Session Laws 2020-91, s. 5.1(a), effective July 31, 2020.

(i) Disclosure of Contributions. - A person appointed to the Board of Transportation and a person appointed as Secretary of Transportation on or after July 31, 2020, shall disclose at the time the appointment of the person is officially made public any contributions the person or the person's immediate family made to the political campaign of the appointing Governor or officer recommending appointment in the two years preceding the date of appointment. The term "immediate family", as used in this subsection, means a person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be filed with the State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(j) Disclosure of Campaign Fund-Raising. - A person appointed to the Board of Transportation on or after January 1, 2001, and a person appointed as Secretary of Transportation on or after January 1, 2001, shall disclose at the time the appointment of the person is officially made public any contributions the person personally acquired in the two years prior to appointment

for: any political campaign for a statewide or legislative elected office in North Carolina; any political party executive committee or political committee acting on behalf of a candidate for statewide or legislative office. Disclosure forms shall be filed with the State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(k) Ethics Policy. - The Board shall adopt by December 1, 1998, a code of ethics applicable to members of the Board, including the Secretary. Any code of ethics adopted by the Board shall be supplemental to the provisions of Chapter 138A of the General Statutes. A code of ethics adopted pursuant to this subsection shall include a prohibition against a member taking action as a Board member when a conflict of interest, or the appearance of a conflict of interest, exists. The ethics policy adopted pursuant to this subsection shall specify that a conflict of interest exists when the use of the Board member's position, or any official action taken by the Board member, would result in financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. The ethics policy adopted pursuant to this subsection shall specify that an appearance of a conflict of interest exists when a reasonable person would conclude from the circumstances that the Board member's ability to protect the public interest, or perform public duties, would be compromised by personal interest, even in the absence of an actual conflict of interest. The performance of usual and customary duties associated with the public position or the advancement of public policy goals or constituent services, without compensation, shall not constitute the use of the Board member's position for financial benefit. The conflict of interest provision of the ethics policy adopted pursuant to this subsection shall not apply to financial or other benefits derived by a Board member that the Board member would enjoy to an extent no greater than that which other citizens of the State would or could enjoy.

(l) Additional Requirements for Disclosure Statements. - All disclosure statements required under subsections (i), (j), and (k) of this section must be sworn written statements.

(m) Ethics and Board Duties Education. - The Board shall institute by January 1, 1999, and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in nature, conducted in conjunction with the State Ethics Commission, and shall include input from the School of Government at the University of North Carolina at Chapel Hill, the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial orientation for new members of the Board and continuing education programs for Board members at least once each year.

(n) Repealed by Session Laws 2020-91, s. 5.1(a), effective July 31, 2020.

(o) Additional Ethics Requirements. - Board members shall sign a sworn statement that they will abide by the disclosure, ethics, and education requirements of this section and of Chapter 138A of the General Statutes. Following the convening of each Board of Transportation meeting, and prior to the conduct of business, each Board member shall sign a sworn statement that the member has no financial, professional, or other interest in any project being considered on the meeting agenda. To the extent the Board member has such an interest, the chair and member shall take all appropriate steps to ensure that the interest is properly evaluated and addressed in accordance with law and that the member is not permitted to act on any matter in which the member has a disqualifying conflict of interest.

(p) Reports. - Notwithstanding any other provision of law, any report required to be submitted by the Board to the General Assembly or a committee thereof is due by the 15th day of the month that the report is due. (1975, c. 716, s. 1; 1977, c. 464, s. 6; 1981 (Reg. Sess., 1982), c. 1191, ss. 9, 10; 1985, c. 479, s. 185; 1987, c. 738, s. 170(b), (c); c. 747, s. 4.1; 1989, c. 500, s. 53; c. 692, s. 1.10; 1993, c. 483, s. 4; 1995, c. 490, s. 60; 1997-443, s. 32.1; 1997-495, s. 88(a); 1998-169, ss. 1, 2; 2006-201, s. 15; 2006-230, s. 1(c); 2006-264, s. 29(n); 2007-439, s. 2; 2008-180, s. 1; 2010-165, ss. 12, 13; 2012-84, ss. 1, 3; 2014-100, s. 34.11(a); 2015-241, ss. 29.12(b), 29.12(h); 2017-6, s. 3; 2017-57, s. 34.12; 2018-146, ss. 3.1(a), (b), 6.1; 2020-91, s. 5.1(a).)

**§ 143B-356: Repealed by Session Laws 2011-145, s. 28.17(a), effective July 1, 2011 and Session Laws 2011-266, s. 1.21(a), effective July 1, 2011.**

**§ 148-134. Preference for Division of Prisons of Department of Adult Correction products.**

All departments, institutions, and agencies of this State that are supported in whole or in part by the State shall give preference to Correction Enterprises products in purchasing articles, products, and commodities that these departments, institutions, and agencies require and that are manufactured or produced within the State prison system and offered for sale to them by Correction Enterprises. No article or commodity available from Correction Enterprises shall be purchased by any State department, institution, or agency from any other source unless the prison product does not meet the standard specifications and the reasonable requirements of the department, institution, or agency as determined by the Secretary of Administration or the requisition cannot be complied with because of an insufficient supply of the articles or commodities required. The provisions of Article 3 of Chapter 143 of the General Statutes respecting contracting for the purchase of all supplies, materials, and equipment required by the State government or any of its departments, institutions, or agencies under competitive bidding shall not apply to articles or commodities available from Correction Enterprises. The Division of Correction Enterprises of the Department of Adult Correction shall be required to keep the price of such articles or commodities substantially in accord with that paid by governmental agencies for similar articles and commodities of equivalent quality. (2007-280, s. 1; 2011-145, s. 19.1(h), (j); 2017-186, s. 2(cccccccc); 2021-180, s. 19C.9(nnnn).)

**§ 150B (Chapter 150B. Administrative Procedure Act.)**

**§ 153A-245. Regulation of golf carts on streets, roads, and highways.**

- (a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within the county that is located in any unincorporated areas of the county or on any property owned or leased by the county.
- (b) By ordinance, a county may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway. (2009-459, s. 1.)

**§ 156-88. Drainage across public or private ways.**

Where any public ditch, drain or watercourse established under the provisions of this Subchapter crosses or, in the opinion of the board of viewers, should cross a public highway under the supervision of the Department of Transportation the actual cost of constructing the same across the highway shall be paid for from the funds of the drainage district, and it shall be the duty of the Department of Transportation, upon notice from the court, to show cause why it should not be required to repair or remove any old bridge and/or build any new bridge to provide the minimum drainage space determined by the court; whereupon the court shall hear all evidence pertaining thereto and shall determine whether the Department of Transportation shall be required to do such work, and whether at its own expense or whether the cost thereof should be prorated between the Department of Transportation and the drainage district. Either party shall have the right of appeal from the clerk to the superior court and thence to the appellate division, and should the court be of the opinion that the cost should be prorated then the percentage apportioned to each shall be determined by a jury.

Whenever the Department of Transportation is required to repair or remove any old bridge and/or build any new bridge as hereinbefore provided, the same may be done in such manner and according to such specifications as it deems best, and no assessment shall be charged the Department of Transportation for any benefits to the highway affected by the drain under the same, and such bridge shall thereafter be maintained by and at the expense of the Department of Transportation.

Where any public ditch, drain, or watercourse established under the provisions of this Subchapter crosses a public highway or road, not under the supervision of the Department of Transportation, the actual cost of constructing the same across the highway or removing old bridges or building new ones shall be paid for from the funds of the drainage district. Whenever any highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district it shall be the duty of the viewers appointed to classify the land, to give in their report the amount of benefit to such highway, and notice shall be given by the clerk of the superior court to the commissioners of the county where the road is located, of the amount of such assessment, and the county commissioners shall have the right to appear before the court and file objections, the same as any landowner. When it shall become necessary for the drainage commissioners to repair any bridge or construct a new bridge across a public highway or road not under the supervision of the Department of Transportation, by reason of enlarging any watercourse, or of excavating any canal intersecting such highway, such bridge shall thereafter be maintained by and at the expense of the official board or authority which by law is required to maintain such highway so intersected.

Where any public canal established under the provisions of the general drainage law shall intersect any private road or cartway the actual cost of constructing a bridge across such canal at such intersection shall be paid for from the funds of the drainage district and constructed under the supervision of the board of drainage commissioners, but the bridge shall thereafter be maintained by and at the expense of the owners of the land exercising the use and control of the private roads; provided, if the private road shall be converted into a public highway the maintenance of the bridge shall devolve upon the Department of Transportation or such other authority as by law shall be required to maintain public highways and bridges. (1909, c. 442, s. 25; 1911, c. 67, s. 6; 1917, c.

152, s. 6; C.S., s. 5345; 1947, c. 1022; 1953, c. 675, s. 26; 1957, c. 65, s. 11; 1969, c. 44, s. 78; 1973, c. 507, s. 5; 1977, c. 464, s. 34.)

**§ 160A-299. Procedure for permanently closing streets and alleys.**

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has



actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

#### **§ 160A-300.1. Use of traffic control photographic systems.**

- (a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.
- (b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.
- (b1) Any traffic control photographic system installed on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.
- (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 30 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation either of the following:
  - a. An affidavit stating the name and address of the person or company who had the care, custody, and control of the vehicle.
  - b. An affidavit stating that the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.
- (1a) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
- (4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.
- (c1) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified on the traffic signal plan of record signed and sealed by a professional engineer, licensed in accordance with the provisions of Chapter 89C of the General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic Control Devices.
- (d) This section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and Spring Lake, and to the municipalities in Union County. (1997-216, ss. 1, 2; 1999-17, s. 1; 1999-181, ss. 1, 2; 1999-182, s. 2; 1999-456, s. 48(c); 2000-37, s. 1; 2000-97, s. 2; 2001-286, ss. 1, 2; 2001-487, s. 37; 2003-86, s. 1; 2003-380, s. 2; 2007-341, s. 2; 2010-132, s. 17.)

**§ 160A-300.6. Regulation of golf carts on streets, roads, and highways.**

- (a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal limits or on any property owned or leased by the city.
- (b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts. No person less than 16 years of age may operate a golf cart on a public street, road, or highway. (2009-459, s. 3.)

**§ 160A-302.1. Fishing from bridges regulated.**

The governing body of any city is hereby authorized to enact an ordinance prohibiting or regulating fishing from any bridge for the purpose of protecting persons fishing on the bridge from passing vehicular or rail traffic. Such ordinance may also prohibit or regulate fishing from any bridge one mile beyond the corporate limits of the city where the board or boards of county commissioners by resolution agree to such prohibition or regulation; provided, however, that the board or boards of county commissioners may upon 30 days' written notice withdraw their respective approval of the municipal ordinance, and that ordinance shall have no further effect within that county's jurisdiction. The ordinance shall provide that signs shall be posted on any bridge where fishing is prohibited or regulated reflecting such prohibition or regulation. In any event, no one may fish from the drawspan of any regularly attended drawbridge.

The police department of the city is hereby vested with the jurisdiction and authority to enforce any ordinance passed pursuant to this section.

The authority granted under the provisions of this section shall be subject to the authority of the Board of Transportation to prohibit fishing on any bridge on the State highway system. (1971, c. 690, ss. 2, 3, 6; c. 896, s. 15; 1973, c. 426, s. 49; c. 507, s. 5.)

**§§ 160A-360 through 160A-459.1:** Repealed by Session Laws 2019-111, s. 2.3, as amended by Session Laws 2020-3, s. 4.33(a), and Session Laws 2020-25, s. 51(a), (b), (d), effective June 19, 2020.

**§ 160D-931. Definitions.**

The following definitions apply in this Part:

- (1) Antenna. - Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
- (2) Applicable codes. - The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
- (3) Application. - A request submitted by an applicant to the local government for a permit to collocate wireless facilities or to approve the installation,

modification, or replacement of a utility pole, city utility pole, or a wireless support structure.

- (4) Base station. - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.
- (5) Building permit. - An official administrative authorization issued by the local government prior to beginning construction consistent with the provisions of G.S. 160D-1110.
- (6) City right-of-way. - A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.
- (7) City utility pole. - A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.
- (8) Collocation. - The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, city utility poles, or wireless support structures.
- (9) Communications facility. - The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.
- (10) Communications service. - Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.
- (11) Communications service provider. - A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (12) Eligible facilities request. - A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.
- (13) Equipment compound. - An area surrounding or near the base of a wireless support structure within which a wireless facility is located.
- (14) Fall zone. - The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
- (15) Land development regulation. - Any ordinance enacted pursuant to this Chapter.
- (16) Micro wireless facility. - A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
- (17) Search ring. - The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

- (18) Small wireless facility. - A wireless facility that meets the following qualifications:
- a. Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.
  - b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.
- (19) Substantial modification. - The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:
- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
  - b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
  - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- (20) Utility pole. - A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.
- (21) Water tower. - A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.
- (22) Wireless facility. - Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include any of the following:

- a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
  - b. Wireline backhaul facilities.
  - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (23) Wireless infrastructure provider. - Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.
  - (24) Wireless provider. - A wireless infrastructure provider or a wireless services provider.
  - (25) Wireless services. - Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.
  - (26) Wireless services provider. - A person who provides wireless services.
  - (27) Wireless support structure. - A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

**§ 162A-74. Rights-of-way and easements in streets and highways.**

A right-of-way or easement in, along, or across any State highway system, road, or street, and along or across any city or town street within a district is hereby granted to a district in case such right-of-way is found by the district board to be necessary or convenient for carrying out any of the work of the district. Any work done in, along, or across any State highway system, road, street, or property shall be done in accordance with the rules and regulations and any reasonable requirements of the Department of Transportation, and any work done in, along, or across any municipal street or property shall be done in accordance with any reasonable requirements of the municipal governing body. (1961, c. 795, s. 24; 1973, c. 507, s. 5; c. 822, s. 4; 1977, c. 464, s. 34.)

## **NORTH CAROLINA SESSION LAWS (NCSL)**

### **SESSION LAW 2021-185 HOUSE BILL 165**

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION AND MOTOR VEHICLE LAWS OF THE STATE.

The General Assembly of North Carolina enacts:

#### **PART I. DEPARTMENT OF TRANSPORTATION**

##### **STUDY RIGHT-OF-WAY ACQUISITION AND CONDEMNATION PROCEDURES TO IMPROVE COLLABORATION**

**SECTION 1.** In order to more accurately reflect projected costs and improve communication among impacted persons and entities, the North Carolina Department of Transportation shall study right-of-way acquisition planning and procedures, including condemnation, for State highway system projects. This study shall examine current planning and acquisition procedures and evaluate the feasibility and associated costs with potential alternative procedural options to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties. The Department shall report the findings of this study, including any legislative recommendations, to the North Carolina General Assembly, the chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division no later than 180 days after this act becomes law.

## **NORTH CAROLINA ADMINISTRATIVE CODE (NCAC)**

### **07 NCAC 04M .0510 METHODS OF DESTRUCTION**

- (a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records shall be:
- (1) burned, unless prohibited by local ordinance;
  - (2) shredded or torn so as to destroy the record content of the documents or materials concerned;
  - (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
  - (4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.
- (b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.
- (c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

*History Note:* Authority G.S. 121-4(2); 121-4(12); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. July 26, 2015.

### **13 NCAC 07A .0601 PURPOSE AND SCOPE**

- (a) This Section sets forth rules of procedure for implementation of G.S. 95, Article 22 which is entitled "Safety and Health Programs and Committees."
- (b) The purpose of this Section is to establish programs which will promote safety and health for all North Carolina employers with a workers' compensation experience rate modifier of 1.5 or above. Employee Safety and Health Committees will be established by all North Carolina employers having 11 or more employees and an experience rate modifier of 1.5 or above.
- (c) For the purposes of Rules .0603 and .0606 of this Section, compliance with the safety and health program and the safety and health training requirements of the Mine Safety and Health Administration of the United States Department of Labor shall be deemed sufficient for compliance with Rules .0603 and .0606 of this Section for those operations subject to the federal Mine Safety and Health Act (Public Law 91-173 as amended by Public Law 95-164).

*History Note:* Authority G.S. 95-251; 95-252; 95-254;  
Eff. August 2, 1993;



*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest  
Eff. March 1, 2016.*

#### **19A NCAC 02A .0102 DUTIES OF CHIEF ENGINEER**

The duties and responsibilities of the Chief Engineer conferred by law and delegated or prescribed by the Secretary or Board of Transportation include: (1) recommend ordinances based upon engineering studies of the Traffic Engineering Branch; (2) enter into agreements and contracts for the board; (3) carry out Board programs and functions; (4) powers and duties concerning highway right of way acquisitions which may be subdelegated to the right of way branch; (5) negotiate and execute contracts with right of way fee appraisers; (6) negotiate and enter into agreements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act; (7) make spot safety improvement funds for primary, secondary, and urban safety projects available as needed and that said authority may be delegated to the Manager of Traffic Engineering by the Chief Engineer; (8) execute lease or rental agreements on behalf of the State; (9) inspect the State roadway system annually to determine the need, priorities, and scheduling for major maintenance, retreatment or resurfacing (subject to the Board's approval) in each engineering division; (10) determine the need for temporary traffic control devices for special events; (11) review and approve median opening requests; (12) review and approve civic, non-profit, or charitable organization safety rest stop activities; (13) handle and execute bicycle trails joint use rights of way; (14) consider and issue or deny permits for intermittent closing of secondary roads within watershed improvement projects; (15) issue special overweight and over-dimension permits; (16) authorize crop cultivation within rights of way; (17) authorize garbage collection container sites on rights of way; (18) authorize construction within the right of way; (19) permit construction of railroad tracks across any portion of the roadway system; (20) review, investigate and allow or deny contractor settlement claims for construction; (21) determine existence of emergency situation justifying the waiver of the bidding requirements as described in the general statutes; (22) implement, subject to discretionary review by the Secretary of Transportation, those rules and ordinances pertaining to highway matters which are delegated to him by the Secretary of Transportation; (23) submit a priority list and consult with Board of Transportation members in each major maintenance, retreatment or resurfacing project as requested by the Board members; (24) hold bid withdrawal hearings; (25) submit applications to the Federal Emergency Management Agency and to execute the assurances and agreements and other documents on behalf of the Department of Transportation necessary for Federal Disaster Assistance, including the Designation of Applicants Agents, Assurances and Agreements, Damage Survey Reports and Requests for Payments. The Chief Engineer is further authorized to subdelegate the authority and duty for Federal Disaster Assistance on behalf of the Department of Transportation to the Chief Engineer's designee.

*History Note: Authority G.S. 20-119; 133-5 thru 17; 136-18(5); 136-18(11); 136-18.3; 136-19; 136-28.1; 136-29; 136-30; 136-44.1; 136-64.1(d); 136-71.9; 136-89.51; 136-93; 143B-10(j); 143B-350(f); 143B-350(g); Eff. July 1, 1978; Amended Eff. December 1, 2012; December 1, 1993; November 1, 1991; October 1, 1991; January 1, 1986;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

## **19A NCAC 02B .0150 RAILROAD RIGHT OF WAY DEFINITIONS**

The following definitions apply to Rules .0150 through .0158 of this Subchapter.

- (1) "At-grade crossing" means an intersection where roadways and railroads join or cross at the same level.
- (2) "Closed crossing" means a location where a previous crossing no longer exists because either the railroad tracks have been removed, or each pathway or roadway approach to the crossing has been removed, leaving behind no intersection of railroad tracks with either a pathway or roadway. A grade-separated highway-rail crossing that has been removed shall be considered a closed crossing.
- (3) "Crossing Agreement" means a written agreement between the Department and a railroad through which the railroad permits the Department to build a road across the railroad's tracks.
- (4) "Facilities" means real or personal property, or any interest in that property, that is situated for the provision of a freight or passenger rail fixed guideway facility or system. The term includes all property or interests necessary or convenient for the acquiring, providing, using, or equipping of a rail fixed guideway facility or system, including rights-of-way, trackwork, train controls, stations, and maintenance facilities.
- (5) "Flange guard" means a protective edge, rib, or rim made of rubber, steel, timber, or any other composite material on any object such as the base of a rail, on the top and bottom horizontal parts of a beam, or girder.
- (6) "Grade" means the rate of ascent or descent of a roadway, expressed as a percentage and calculated by the change in roadway elevation per unit of horizontal length.
- (7) "Grade point" means the point where the new construction of a facility ties into and terminates at the existing facility.
- (8) "Grade separation" means a crossing of a highway and a railroad at different levels that allows unimpeded traffic movement.
- (9) "Railroad" means an entity that owns or maintains the track through the at-grade crossing, or an entity that operates one or more trains through an at-grade crossing or grade separated crossing on or connected to the general railroad system of transportation.
- (10) "Separated" means the travelways of two transportation facilities, such as two highways or a highway and a railroad, that are disconnected by means of a bridge so that traffic on one shall not conflict with traffic on the other.
- (11) "Separation structure" means the bridge structure that separates the travelways of the two transportation facilities.
- (12) "Track" means an assembly of rails, ties, and fastenings that cars, locomotives, and trains traverse.
- (13) "Traffic control device" means a sign, signal, marking, or other device placed on or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20; 150B-2(8a)(h);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Readopted Eff. June 1, 2019.

## **19A NCAC 02B .0151 RAILROAD GRADE CROSSING SIGNS AND SIGNALS**

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Repealed Eff. November 1, 1993.

## **19A NCAC 02B .0152 SIGNALIZATION OF EXISTING GRADE CROSSING**

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20; 150B-21.3A;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Repealed Eff. June 1, 2019.

## **19A NCAC 02B .0153 NEW AT GRADE CROSSING**

- (a) It shall be unlawful to construct a railroad track across any portion of the State highway system without the Secretary of Transportation or the Secretary's designee providing a written statement of approval. The Secretary or designee's determination shall consider rail crossing engineering standards for safety, location, sight lines, traffic volume, grade, horizontal alignment, curvature, cant and the number of traffic lanes.
- (b) A crossing agreement shall be required for any construction or relocation of railroad track across the State highway system, and any construction or relocation of the State highway system across already existing railroad track. The crossing agreement shall list the construction, maintenance, safety device installation, and funding responsibilities of each party.
- (c) Where the construction of a new road or the relocation of an existing road involves an additional or a new crossing and does not involve the elimination of an existing crossing, the railroad shall not be required to bear any costs of signalization or separation, either at the time of the initial construction or within a 20-year period from the execution of the Crossing Agreement if the Department determines during that 20-year period that a signalization or a separation structure shall be required.
- (d) If a crossing in existence prior to December 3, 1966 shall be eliminated by the relocation of an existing road, Rule .0155 of this Section shall apply.
- (e) The following shall be required for the construction of a new municipal street across an already existing railroad track, or railroad tracks across the municipal street system.
  - (1) If a municipality and railroad seek to enter into an agreement for the construction of a new municipal street, meaning a street forming a part of the municipal street system consisting of those streets or highways that are not a part of the State

highway system, across a railroad track, at-grade, the municipality or public authority responsible for the maintenance, construction, reconstruction, and right-of-way acquisition for the municipal street system shall provide the Rail Division Director with 60-days' notice prior to the execution of the agreement. If the municipality anticipates there to be less than 60 days between the negotiations and execution of the agreement, the municipality shall notify the Director upon commencement of agreement negotiations.

- (2) If a municipality and railroad seek to enter into an agreement for the construction of a new railroad track across the municipal street system, at-grade, the municipality or public authority responsible for the maintenance, construction, reconstruction, and right-of-way acquisition for the municipal street system shall provide the Rail Division Director with 60-days' notice prior to the execution of the agreement. If the municipality anticipates there to be less than 60 days between the negotiations and execution of the agreement, the municipality shall notify the Director upon commencement of agreement negotiations.
- (3) If a private developer and a railroad seek to enter into an agreement for the construction of a railroad track across the municipal street system, at-grade, or a new municipal street across a railroad track, at-grade, the private developer shall provide the Rail Division Director with 60-days' notice prior to the execution of the agreement. If the private developer anticipates there to be less than 60 days between the negotiations and execution of the agreement, the private developer shall notify the Director upon commencement of agreement negotiations.
- (4) Notice shall be in writing and shall be effective upon receipt by the Rail Division Director. Notice may be delivered personally, by email, sent by overnight courier with recipient's signature or other electronic acknowledgement of receipt from the recipient requested, or by certified or registered mail, postage prepaid. Please address all physical copies of the required notice to the Rail Division Director at 1553 Mail Service Center, Raleigh, NC 27699-1553. The Rail Division Director's email address may be found, free of charge, at <https://apps.ncdot.gov/dot/directory/authenticated/UnitPage.aspx?id=3393>.
- (5) Notice shall include the following information:
  - (A) the name, address, telephone number, and email address of the entity submitting the notice;
  - (B) a description of the anticipated crossing, including whether the agreement is for the construction of a railroad track across the municipal street system, or the construction of a municipal street across an already existing railroad track;
  - (C) the county, city, or political subdivision where the crossing will be located;
  - (D) the railroad milepost number, if an already existing railroad track; and
  - (E) the State maintained road number or name, if an already existing road.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20; 136-20.1; 136-66.1; 136-195;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2019.

### **19A NCAC 02B .0154 RAILROAD SEPARATION STRUCTURES**

- (a) Whenever any highway project provides for the construction of a separation structure over or under the railroad, the Department shall construct the separation structure to provide for an additional track upon the request of the railroad and the furnishing of the justification or enter into an agreement with the railroad to provide for the additional track if such tracks are constructed and placed in use within a 20-year period from the signing of the agreement.
- (b) If a grade crossing that was in existence prior to December 3, 1966, is separated, the railroad shall pay five percent of the cost of the separation structure and approaches from grade point to grade point.
- (c) If the separation structure eliminated the crossing at-grade, the railroad shall pay five percent of the total costs of the separation structure and approaches from grade point to grade point as constructed initially and five percent of the costs of the widening of the structure within the 20-year period.
- (d) If the separation structure is an additional or new crossing and no existing crossing is closed, the Board of Transportation shall pay the entire cost of the structure including the provision for additional tracks on request by the railroad with justification, or will pay the entire cost of widening the structure within the aforementioned 20-year period.

*History Note: Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Readopted Eff. June 1, 2019.*

### **19A NCAC 02B .0155 EXISTING AT-GRADE CROSSING**

- (a) If the construction, reconstruction, or maintenance of an existing at-grade crossing causes any road, street, or highway forming a part of the State highway system to cross or intersect any railroad, including an industrial siding, at the same level or grade, the railroad shall be responsible for the following:
  - (1) construction and maintenance of the crossing and the area between the ends of the ties and the edge of the pavement of the main traveled lanes plus a maximum of 10 feet of the usable shoulders; and
  - (2) construction cost of the crossing for the pavement width and maintenance for the entire area herein described at its own expense.
- (b) Pursuant to G.S. 136-20(h), the railroad shall be responsible for 50 percent of annual maintenance costs of grade crossing signals.
- (c) A railroad, county, city, or other political subdivision of the State may identify and propose at-grade crossings for potential closure by submitting a Crossing Closure Request to the Rail Division Director as follows:
  - (1) The Crossing Closure Request shall be addressed to the Rail Division Director, 1553 Mail Service Center, Raleigh, North Carolina, 27699-1553 and contain the following information:
    - (A) name of the entity submitting the request;
    - (B) name of the county, city, or political subdivision where the crossing is located;

- (C) Association of American Railroads (AAR) crossing number;
  - (D) railroad milepost number;
  - (E) State maintained road number or name; and
  - (F) any existing protection at the crossing.
- (2) The Rail Division shall review the Crossing Closure Request and make a final recommendation to the Board of Transportation upon the consideration of transportation impacts, including emergency access, safety, feasibility, and public convenience.
- (3) If upon the consideration of the Rail Division's final recommendation, the Board of Transportation approves the at-grade closure, the Rail Division shall give notice to the governing body within which the at-grade crossing is located, direct the Railroad to close or remove the crossing within 60 days, and coordinate with the Railroad the responsibilities for removal.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Readopted Eff. June 1, 2019.

#### **19A NCAC 02B .0156 PAVING OF ROADWAY SURFACE CROSSING RAILROAD TRACKS**

When any road, street or highway forming a link in the State highway system is being surfaced or resurfaced, the Department of Transportation shall, pave the roadway surface across the crossing upon request by the railroad. The railroad shall provide and place at its own expense the necessary crossing flange guards on rail guards and otherwise adjust the facilities to meet the level of the finished road surface.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Readopted Eff. June 1, 2019.

#### **19A NCAC 02B .0157 COST OF CHANGING ELEVATION OF RAILROAD FACILITIES**

When the grade of any road, street, or highway requires a change in the elevation of the railroad's tracks or facilities, except those changes required by surfacing or resurfacing, the Department shall pay for the necessary change in the railroad facilities that may be required to meet the grade of the finished road surface.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Readopted Eff. June 1, 2019.

### **19A NCAC 02B .0158 CHANGING GRADE OF ROAD WHEN GRADE OF RR TRACKS IS CHANGED**

When any railroad changes the grades of its tracks where the tracks cross or intersect any road, street, or highway of the State highway system, the railroad shall be responsible for adjusting, at its own expense, the grade of such road, street or highway as required to meet the change in grade of the railroad's tracks or facilities. Any adjustment of the road, street or highway shall be made in accordance with Departmental engineering standards. A minimum of ten feet runoff shall be required for each inch of difference in elevation between track grade and road grade. The Department may contract with the railroad to perform the asphalt run-off work on a 100 percent reimbursement basis.

*History Note:* Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993; November 1, 1991;  
Readopted Eff. June 1, 2019.

### **19A NCAC 02B .0202 DEFINITIONS**

*History Note:* Authority G.S. 136-18; 136-20; 136-45; 136-66.1; 150B-21.3A;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1992;  
Repealed Eff. February 1, 2019.

### **19A NCAC 02B .0203 RESPONSIBILITY FOR TRAFFIC CONTROL DEVICES**

*History Note:* Authority G.S. 20-158; 20-158.1; 20-169; 136-18; 136-30;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; November 1, 1991;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0204 TRAFFIC SIGNAL SPECIFICATIONS**

*History Note:* Legislative Objection Lodged Eff. August 19, 1980;  
Legislative Objection Removed Eff. April 23, 1981;  
Authority G.S. 136-18(1); 136-44.1; 136-45; 150a-63(C);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. April 3, 1981.



## **19A NCAC 02B .0205 NORTH CAROLINA SIGN SUPPLEMENT**

*History Note:* Legislative Objection Lodged Eff. August 19, 1980;  
Legislative Objection Removed Eff. April 23, 1981;  
Authority G.S. 136-18(5); 136-30; 150a-62; 150a-63(C);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. April 3, 1981.

## **19A NCAC 02B .0206 NC CONSTRUCTION AND MAINTENANCE OPERATIONS SUPPLEMENT**

*History Note:* Legislative Objection Lodged Eff. August 19, 1980;  
Legislative Objection Removed Eff. April 23, 1981;  
Authority G.S. 136-18(5); 136-30; 150a-62; 150a-63(C);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. April 3, 1981.

## **19A NCAC 02B .0207 NORTH CAROLINA SIGNAL SUPPLEMENT**

*History Note:* Legislative Objection Lodged Eff. August 19, 1980;  
Legislative Objection Removed April 23, 1981;  
Authority G.S. 136-18(5); 136-30; 150A-62; 150A-63(c);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. April 3, 1981.

## **19A NCAC 02B .0208 UNIFORM TRAFFIC CONTROL DEVICES**

*History Note:* Authority G.S. 20-158; 20-169; 136-18(5); 136-30; 150B-21.3A;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993; October 1, 1991; January 1, 1986; April 3, 1981;  
Repealed Eff. February 1, 2019.

## **19A NCAC 02B .0209 MISCELLANEOUS SIGNS**

## **19A NCAC 02B .0210 SPECIAL MUNICIPAL SIGNS**

## **19A NCAC 02B .0211 CONSTRUCTION AND MAINTENANCE SIGNING**

*History Note:* Authority G.S. 136-18(5); 136-18(19); 136-30;  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.



### **19A NCAC 02B .0212 PARKING SIGNS**

(a) No Parking Signs (State Highway System). Where parking is prohibited by either Department of Transportation or municipal ordinance, the installation and maintenance of appropriate No Parking signs is the responsibility of the Department of Transportation.

(b) Parking Control Signs (State Municipal System). Where parking is permitted but the municipality desires to control its duration or type, the appropriate standard signs necessary are the responsibility of the municipality. They shall be installed and maintained at no expense to the Department of Transportation. Such signs include, but are not limited to, 15 Min. Parking, 1 Hr. Parking, No Parking 4-6 P.M., Loading Zone, Bus Stop, and Taxi Stand.

*History Note:* Authority G.S. 20-162; 20-162.1; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02B .0213 TRUCK ROUTE DESIGNATION**

(a) Municipal governments have the authority to establish by ordinance truck routes on the state highway system within their corporate limits. Such truck routes must have approval of the Department of Transportation.

(b) The Department of Transportation also has authority to establish truck routes within a municipality. Truck routes may traverse both state highway system streets and municipal streets; however non-system streets may be designated as a truck route only by the municipality.

(c) The Department of Transportation will be responsible for all necessary signing on the state highway system streets with the municipality being responsible for signing that portion of the truck route traversing non-system streets.

*History Note:* Authority G.S. 20-116(h); 136-18(5); 136-30;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02B .0214 BUSINESS AND BYPASS ROUTE DESIGNATIONS**

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Repealed Eff. April 11, 1980.

## **19A NCAC 02B .0215 SHOPPING CENTER SIGNS**

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993; August 1, 1984;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

## **19A NCAC 02B .0216 STREET NAME SIGNS**

(a) Street name signs are the sole responsibility of the municipality. If such signs are installed on the state highway system rights-of-way they must be in conformance with the "Manual on Uniform Traffic Control Devices" and may not be erected in such a manner as to interfere with standard highway signing.

(b) Street Name Signs (State Rural Secondary System). The board of county commissioners or developers and property owners can request permission for the appropriate street name signs and, upon approval by the traffic engineering branch as to type, design, and location of said signs, they may be erected and will be maintained by those responsible for the placing of the signs.

(c) The Department of Transportation may remove all street name signs that are not properly maintained or that hamper the maintenance of the streets by the Department of Transportation.

Note: Refer also to the Code of Federal Regulations, Chapter 23, Part 655, Subpart C.

*History Note:* Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

## **19A NCAC 02B .0217 ALL AMERICA CITY SIGNS**

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1995; November 1, 1993; October 1, 1993;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

## **19A NCAC 02B .0218 RAILROAD NAME SIGNS ON OVERPASSES**

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1995; November 1, 1993; October 1, 1993;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0220 FIRE DISTRICT SIGN**

*History Note:* Authority G.S. 136-18(5); 136-30; 136-128; 136-140.7;  
Eff. July 1, 1978;  
Amended Eff. July 1, 1995; September 1, 1994; December 1, 1993; October 1, 1993; November 1, 1987;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0221 GENERAL MOTORIST SERVICES SIGNS**

*History Note:* Authority G.S. 136-18(5); 136-30; 136-128; 136-140.7;  
Eff. July 1, 1978;  
Amended Eff. July 1, 1995; September 1, 1994; December 1, 1993; October 1, 1993; November 1, 1987;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0222 NATIONAL GUARD ARMORY AND AIR NATIONAL GUARD SIGNS**

### **19A NCAC 02B .0223 PARKS: HISTORICAL AREAS: SPECIAL TOURIST ATTRACTIONS: ETC.**

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.

### **19A NCAC 02B .0224 TELEPHONE SIGNS**

*History Note:* Authority G.S. 136-18(5); 136-18(8); 136-30; 136-102.1;  
1949 General Assembly Resolution 21;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0225 BLUE STAR MEMORIAL HIGHWAY SIGNS**

*History Note:* Authority G.S. 136-18(5); 136-18(8); 136-30; 136-102.1;  
1949 General Assembly Resolution 21;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

### **19A NCAC 02B .0226 TEMPORARY SIGNS FOR SPECIAL EVENTS**

*History Note: Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.*

### **19A NCAC 02B .0227 COMMUNITY WATCH SIGNS**

*History Note: Authority G.S. 136-32;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*

### **19A NCAC 02B .0228 TRAFFIC SIGNALS - GENERAL**

*History Note: Authority G.S. 20-158; 20-169; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. April 3, 1981;  
Repealed Eff. October 1, 1993.*

### **19A NCAC 02B .0229 SIGNAL EQUIPMENT (STATE MUNICIPAL SYSTEM)**

The Department of Transportation reserves the right to select the most economical equipment and materials to do a specific job. If the municipality desires to use different or more costly equipment and materials, the municipality shall make a request in writing to the Department of Transportation. If approved, the substitution may be made but the municipality must pay the difference in cost.

*History Note: Authority G.S. 20-169; 136-18(5);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0230 PEDESTRIAN ACTUATED SIGNALS (STATE MUNICIPAL SYSTEM)**

*History Note: Authority G.S. 20-172; 136-66.1;  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.*

#### **19A NCAC 02B .0231 FIRE ZONE (STATION) SIGNALS (STATE MUNICIPAL SYSTEM)**

Special signal equipment used at or adjacent to fire stations (including preemption equipment) shall be paid for by the municipality out of its own funds and must be of a design acceptable to and approved by the Department of Transportation.

*History Note:* Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02B .0232 SCHOOL FLASHERS (STATE MUNICIPAL SYSTEM)**

Standard signing and marking for school zones is the responsibility of the Department of Transportation. If a traffic and engineering investigation conducted by the Department of Transportation shows that there are hazardous conditions present adjacent to a school greater than those normally present in school areas, and that these conditions can be alleviated by the use of school flashers, then the Department of Transportation will install school flashers and maintain them.

*History Note:* Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02B .0233 UPGRADING EXISTING SIGNALS (STATE MUNICIPAL SYSTEM)**

The cost for upgrading existing traffic signals and flashers on the state highway system is the responsibility of the Department of Transportation. The existing equipment being replaced shall become the property of the Department of Transportation. In the event the municipality wishes to retain possession of the equipment, or any part thereof, to be replaced, it may do so by mutual agreement with the Department of Transportation.

*History Note:* Authority G.S. 20-158; 136-18(5);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02B .0236 MEDIAN OPENINGS - GENERAL**

*History Note:* Authority G.S. 20-140.3; 136-18(5); 136-89.58;  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.

## **19A NCAC 02B .0240 CHANNELIZATION FOR ENTRANCES AND EXITS TO PROPERTY**

*History Note:* Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Repealed Eff. February 1, 2019.

## **19A NCAC 02B .0241 PLACEMENT OF HISTORICAL MARKERS IN ROW**

*History Note:* Authority G.S. 136-18(10); 136-42.2; 136-42.3; 136-129;  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012; April 11, 1980;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

## **19A NCAC 02B .0242 NC ROUTE NUMBERS**

(a) The Department of Transportation has full responsibility for establishing NC routes. Normally this relates to removing a road from the secondary road system and placing it on the primary road system.

(b) NC numbered routes shall have numbers not to exceed 999. NC route numbers shall not be in conflict with interstate numbers or US numbers.

(c) Requests for the addition, modification, or deletion of NC route numbers shall be submitted to the traffic engineering branch who shall make recommendations relative to the request based upon the following criteria:

- (1) The proposed NC route must be adequately designed and constructed in terms of its pavement structure such that it can carry the statutory 19,000 pound axle load.
- (2) The proposed route must meet minimum accepted operational standards of a minimum 20-foot paved width and with adequate shoulders.
- (3) The horizontal and vertical alignment of the route must be such that it can safely handle traffic at the statutory speed limit of 55 miles per hour for the majority of its length. In extreme mountainous areas, consideration may be given to an average operating speed of 45 miles per hour.
- (4) NC routes shall not overlap existing NC or US routes already established unless the duplication is for a short distance and the routes then diverge, ending in different terminal points.

(d) No additional NC route shall be added to the primary highway system or extended except where there is a definite showing of an adequately improved highway carrying an established and necessary line of intrastate traffic not otherwise provided for by existing US or NC routes.

*History Note:* Authority G.S. 136-18(5); 136-30;  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993;  
Transferred and recodified from 19A NCAC 02B .0303 Eff. March 4, 1998;  
Amended Eff. August 1, 1998;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0243 RAILROAD GRADE CROSSING SIGNS, SIGNALS, AND GATES**

(a) When the Department of Transportation directs a railroad to protect its grade crossings by the erection of electric signals or other safety devices, the railroad so directed shall erect such electric signals or other safety devices as required in the order. Upon the installation and placing into operation of the signals or other safety devices as required in the order, any existing signals or other safety devices shall be removed by the railroad unless otherwise directed by the Department of Transportation.

(b) Where there has been a discontinuance of service but the tracks have not been paved over or removed, crossbuck signs shall be removed and sign R8-9 "TRACKS OUT OF SERVICE" shall be installed.

(c) Where there has been a discontinuance of service and the tracks have been paved over or removed, all signs shall be removed.

(d) Where there has been a discontinuance of service and flashing light signals or gates are present, the gate arms shall be removed and the signal heads shall be hooded, turned, or removed to clearly indicate they are not in operation.

*History Note: Authority G.S. 136-18(5); 136-18(11); 136-20;*

*Eff. August 1, 1998;*

*Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

#### **19A NCAC 02B .0304 SECONDARY ROAD NUMBERS**

(a) All secondary roads which are a part of the Highway System will carry a number beginning at 1000.

(b) Secondary road numbers 1000 to 1099 are developed for the principal routes within a county.

(c) Wherever possible these numbers are continuous for two or more counties.

(d) Secondary road numbers for the majority of the secondary roads are numbered numerically, increasing in the county. Thus, different counties will have different routes with the same number.

(e) Numbering of secondary roads in each county will start in the southwesterly quadrant, numbering in a clockwise direction with numbers starting at 1100 and numerically increasing. A block of numbers is allotted for each section of the county with sufficient unused numbers to permit roads to be added in the future.

(f) All requests for changing existing secondary road numbers shall be acted upon by the Department of Transportation. Requests for the addition, modification or deletion of secondary road numbers shall be submitted to the Department.

*History Note: Authority G.S. 136-18(5); 136-30;*

*Eff. July 1, 1978;*

*Amended Eff. July 26, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0305 SOURCE AND PURPOSE - POWELL BILL**

Annually the North Carolina Department of Transportation shall pay state street aid allocations from the State Highway Fund to eligible and qualifying municipalities for the maintenance, construction and reconstruction of local city streets. Inquiries about these allocations shall be directed to:

Manager of Program Development  
North Carolina Division of Highways  
Highway Building  
1 S. Wilmington Street  
Raleigh, N. C. 27611

*History Note:* Authority G.S. 136-41.1 to 41.2; 136-41.3; 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02B .0306 ESTABLISHING ELIGIBILITY - POWELL BILL**

Annually as of July 1, each participating municipality shall establish its eligibility for an allocation. Towns incorporated prior to January 1, 1945, must submit a certified statement which provides information on the municipality's most recent election for the purpose of electing municipal officials, ad valorem taxes, or other provisions for funding the general operating expenses of the municipality; and the mileage of its legally qualified, municipality maintained streets. In addition, towns incorporated on or after January 1, 1945, must also include in their certified statement information on their:

- (1) ad valorem taxes;
- (2) budget ordinance; and
- (3) services provided.

In all cases, the statement must be certified by the mayor and city clerk with the mileage certified by a registered professional engineer or a registered land surveyor. To support the mileage claimed on the certified statement, a street map, certified by a registered land surveyor or registered professional engineer, which clearly shows the claimed local city streets is required. If there have been no changes in mileage from the previous year, only certifications by the mayor and city clerk is required. Forms and instructions are available from the Manager of Program Development, North Carolina Division of Highways, Raleigh, 27611.

*History Note:* Authority G.S. 136-41.1; 136-41.2; 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.



### **19A NCAC 02B .0309 SOURCE AND PURPOSE - PL (METROPOLITAN PLANNING) FUNDS**

The North Carolina Department of Transportation is responsible for administering the Metropolitan Planning Funds (PL) established by the 1973 Federal-Aid Highway Act. These funds are for the purpose of carrying out the provisions of 23 U.S.C. 134, relating to transportation planning in urban areas. Funds are apportioned to the state in the ratio which the population in urbanized areas bears to the total population in such urbanized areas in all the states as shown by the latest available census. Inquiries about these funds should be directed to Manager of Statewide Planning, North Carolina Division of Highways, Raleigh, 27611.

*History Note:* Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. March 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02B .0310 RECIPIENTS OF FUNDS - PL (METROPOLITAN PLANNING) FUNDS**

Metropolitan Planning Funds appropriated to the state shall be allocated to the organization recognized by the Governor, through an official designation, as having accepted responsibility for transportation planning for the urbanized area. Urbanized areas are those areas of over 50,000 population, as identified by the U.S. Bureau of Census in the latest available decennial census or special census taken since the decennial census, and required by the United States Department of Transportation to maintain a comprehensive transportation planning process.

*History Note:* Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02B .0311 ALLOCATION OF FUNDS - PL (METROPOLITAN PLANNING) FUNDS**

Metropolitan Planning Funds shall be allocated to the designated organizations by formula developed by the state and approved by the Federal Highway and Urban Mass Transportation Administrators. North Carolina's formula allocates one-half of the funds in equal shares to the designated agencies and one-half on the ratio of the urbanized area's population to the total population of all the urbanized areas. Allocation is in the form of a commitment of funds to the area for reimbursement of cost incurred in carrying out transportation planning.

*History Note:* Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0312 MATCHING - PL (METROPOLITAN PLANNING) FUNDS**

The federal share payable on account of work performed using PL (Metropolitan Planning) Funds shall be 80 percent. The remaining 20 percent is local money provided by the urbanized area.

*History Note: Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. July 26, 1993; March 1, 1993; August 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0313 PROGRAMMING - PL (METROPOLITAN PLANNING) FUNDS**

The expenditure of PL Funds by each organization shall be supported by a planning work program setting forth the transportation planning work to be undertaken. Approval of the program by the Department of Transportation and the United States Department of Transportation is required.

*History Note: Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-250(f),(g);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0314 ADMINISTRATIVE AGREEMENT - PL (METROPOLITAN PLANNING) FUNDS**

Administration of PL Funds shall be pursuant to an agreement between the Department of Transportation and the planning organization. As a minimum, the agreement shall identify the parties involved; specify the purpose, statement of work, period of performance, consideration and payment, and cost principals; grant the Department of Transportation the rights of access to, and examination and audit of records; and provide for retention of records.

*History Note: Authority 23 U.S.C. 104(f); 23 U.S.C. 134; G.S. 136-18(12); 143B-350(f),(g);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0315 NEGOTIATION WITH MUNICIPALITIES AND MUNICIPAL AGREEMENTS**

Transportation projects within municipalities shall be constructed in accordance with a municipal agreement that is executed by the municipality and the Board when the construction includes any financial participation by the municipality in project costs, or the municipality requests additional work that results in maintenance responsibilities or financial participation by the municipality. If

there is no financial participation by the municipality, no additional work requested by the municipality, and no maintenance requirements by the municipality, then a municipal agreement shall not be required under the terms of this Rule. If a municipal agreement is necessary in accordance with this Rule, then the agreement shall set forth conditions including whether the Department or the municipality will acquire the right-of-way, and shall identify any financial participation by the municipality.

*History Note: Authority G.S. 136-18(2); 136-19; 136-66.3; 143B-24; 143B-350(f)(g);  
Eff. July 1, 1978;  
Transferred and Recodified from 19A NCAC 2B .0119 Eff. October 1, 1993;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2019.*

### **19A NCAC 02B .0317 IMPLEMENTATION OF ROADWAY CORRIDOR OFFICIAL MAPS**

(a) A roadway corridor official map, hereinafter referred to as "official map," is defined as a map, drawing or written description of a planned roadway alignment, with approximations of future right of way boundaries, which is adopted by the Board of Transportation for right of way protection purposes.

(b) The Division of Highways of the North Carolina Department of Transportation is responsible for the implementation of the procedures governing the adoption of official maps.

(c) The Department of Transportation shall conduct environmental studies or screenings prior to the adoption of an official corridor map as follows:

- (1) If environmental studies are in the process of being conducted on a project being considered for an official map, then the adoption of the map must await the determination of the recommended alternative. In such cases, the public hearing required for a proposed official map or amendment under G.S. 136-44.50(a)(1) may be combined with the design public hearing.
- (2) If environmental studies have not been conducted or are not underway for a project for which an official map is to be prepared, a preliminary environmental screening of the proposed alignment must be conducted to determine the environmental feasibility of the project.

(d) An official map illustrating the proposed project must be prepared prior to the initiation of the map adoption procedure. An official map must be of sufficient detail to identify the proposed project in terms of functional design, location and preliminary right of way boundaries. The approximate property boundaries will be identified on the map and the names of the affected property owners at the time of the recording must be provided.

(e) The Department of Transportation shall conduct a public hearing on the proposed map or an amendment to the existing adopted map prior to the adoption of an official corridor map or amendment as follows:

- (1) The Public Hearing Officer of the Division of Highways, after the project has been selected and the official map has been prepared, shall arrange the date and location of the public hearing on the proposed map or amendment as required by G.S. 136-44.50(a)(1). The date of the hearing must be determined in advance so as to allow sufficient time for the period of public notice which is required pursuant to G.S. 136-44.50(a)(1).

- (2) In addition to the public hearing notice requirements established by G.S. 136-44.50(a)(1), the notice shall indicate that copies of the proposed official map are available for review in the office of the District Engineer in whose jurisdiction the area which is the subject of the map is located.
  - (3) The Public Hearing Officer shall conduct the public hearing. Public comment at the hearing shall be directed towards the designation of the subject project as an "official map" and any impacts created by such designation. Either a transcript of the public hearing or a summary of the comments made at the hearing shall be prepared.
- (f) The Board of Transportation, following a review of the public hearing transcript or the summary of the comments made at the hearing, may adopt an official map at a Board of Transportation meeting.
- (g) In addition to the statutory requirements for the distribution and maintenance of official maps established by G.S. 136-44.50(b)(1), a copy of an official map adopted by the Board of Transportation shall be maintained by the Program Development Branch of the Department and a copy shall be provided to the building inspectors and planning officials in the jurisdictions affected by the map.
- (h) The procedures for the Department of Transportation's consideration of petitions for variances from requirements imposed by the adoption of an official corridor map are as follows:
- (1) Any property owner affected by an official map adopted by the Board of Transportation may petition for a variance from the requirements imposed by the statute (G.S. 136-44.51). A request for a variance shall be directed to the Program Development Branch for consideration and processing. The property owner may either request that an administrative hearing be held in the county in which the affected property is located or may state the reasons for and supply any evidence supporting the variance request in writing to the Director of the Program Development Branch. In instances where a hearing is scheduled pursuant to a request for a variance, the Program Development Branch shall provide written notice of the hearing to the mayor of any affected city or the chairman of the board of commissioners of any affected county, in accordance with G.S. 136-44.52(b).
  - (2) Upon consideration of the facts and circumstances pertaining to the petition for a variance as determined from evidence provided by the property owner, the Program Development Branch may grant a variance, recommend the subject property be considered for advance acquisition, or deny the request. A written record of the decision shall be provided to the petitioning property owner within 30 days of the date of the hearing or the date of the receipt of the written request for the variance.
  - (3) If the petitioning property owner receives an unfavorable ruling from the Program Development Branch concerning the variance request, he or she may request a review of the case by the Chief Engineer. The Chief Engineer shall evaluate the case and provide a final administrative decision in writing within 30 days of the date of the receipt of the review request.
  - (4) Any property located within a designated roadway corridor may be considered for advance acquisition prior to the expiration of the three year time period established in G.S. 136-44.51(b). All requests for such advance acquisition shall be in writing, include all supporting documentation, and be submitted to the Right of Way Branch with a copy sent to the Program Development Branch.

*History Note: Authority G.S. 136-44.50; 136-44.51; 136-44.52; 143B-350(f);  
Eff. October 1, 1991;  
Transferred and Recodified from 19A NCAC 2B .0163;  
Amended Eff. December 1, 2012; December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0501 DEFINITIONS**

The following definitions apply to rules contained in this Section:

- (1) "Agreement" means a properly executed document granting permission for a utility encroachment on the highway right-of-way and stipulating any and all conditions and standards that must be met.
- (2) "Applicant" means any individual, corporation, or agency requesting permission to encroach upon the right-of-way of any highway in the State Highway System whether or not permission has been granted.
- (3) "Department" means the North Carolina Department of Transportation.
- (4) "Encroachment" means use of the highway right-of-way for non-highway purposes.

*History Note: Authority G.S. 136-18(5); 136-18(10); 143-350(f);  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0502 PERMISSION REQUIRED FOR ENCROACHMENT**

- (a) No utility shall cross or otherwise occupy rights-of-way of any road on the State Highway System without written permission from the Department of Transportation.
- (b) No utility which has been placed on the right-of-way of any road on the State Highway System shall be changed or removed without written permission from the Department of Transportation.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0503 APPLICATION FOR UTILITY ENCROACHMENTS**

The applicant for a utility encroachment agreement shall prepare four copies of the standard encroachment agreement on forms which are available from division and District Engineers offices or from the State Utility Agent, Highway Building, Raleigh, N.C.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; November 1, 1991;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

### **19A NCAC 02B .0504 APPROVAL OF UTILITY ENCROACHMENT**

Approval of utility encroachments shall be granted by the responsible Division Engineer.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

### **19A NCAC 02B .0505 FORMS OF ENCROACHMENT AGREEMENT**

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Repealed Eff. December 29, 1993.*

### **19A NCAC 02B .0506 RESPONSIBILITY FOR EXISTING UTILITIES**

(a) The applicant shall be responsible for determining what, if any, facilities of other utilities are in existence in the encroachment area. plans attached to encroachment agreements shall show, as nearly as possible, the location of other utilities that may be unearthed, moved, or exposed to potential damage.

(b) The applicant shall be responsible for providing protection and safeguards during construction to prevent damage to existing utilities and insure that existing utilities will not be rendered inaccessible.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

### **19A NCAC 02B .0507 EXECUTION OF UTILITY AGREEMENT**

(a) This rule specifies the attestation requirements for utility encroachment agreements between the department and external parties. all applicable rules regarding utility encroachment agreements may be found in this section.

(b) If the applicant as defined in rule .0501 of this section is a corporation or a municipality, the agreement shall have the corporate seal and be attested by the corporate secretary, or by the empowered city official, unless a waiver of corporate seal and attestation by the corporate secretary, or by the empowered city official, is on file in the office of the State Utilities Manager, located at 1000 Birch Ridge Drive, Raleigh, NC 27610. within each agreement, in the space provided for execution, the name of the corporation or municipality shall be typed above the signature, and the name and title of all persons signing the agreement shall be typed directly below their signature.

(c) If the applicant is not a corporation, the signature shall be witnessed by one other person. the address of the applicant shall be included in the agreement and the names of all witnesses and persons signing the agreement shall be typed directly below their signature.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Readopted Eff. February 1, 2019.*

### **19A NCAC 02B .0508 BOND MAY BE REQUIRED**

If deemed necessary by the Division Engineer, the applicant requesting encroachment permission shall post a performance bond (surety bond, certified or cashier's check) adequate to indemnify the department for damages to the roadway or highway facility caused by the installation. Bond requirements will be based upon the performance experience on department of transportation projects and the extent of possible damage to the highway facility.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

### **19A NCAC 02B .0509 AGREEMENTS DURING CONSTRUCTION**

(a) After a highway construction project has been let to contract, the applicant must make satisfactory arrangements with the highway contractor, to insure that the encroachment activity will not interfere with or delay the contractor.

(b) A three-party agreement between the department, the highway contractor and the applicant shall be entered into, or the Manager Of Right Of Way shall be furnished a letter from the highway contractor stating that the installation of the encroachment will not be the basis of a claim for delay or additional cost to the department. this requirement does not apply to the adjustment or relocation of existing utilities necessitated by highway construction.



*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

#### **19A NCAC 02B .0510 VEGETATION IN ENCROACHMENT AGREEMENTS**

When vegetation on highway right-of-way is involved with utility installations, the encroachment application shall be referred to the Area Roadside Environmental Engineer for investigation and approval before final approval of the encroachment. Encroachment agreements will not be approved until matters pertaining to the cutting or trimming of vegetation on highway right-of-way have been settled, and then permission for allowable cutting and trimming will accompany the approved encroachment agreement with the utility.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93; 136-18(9);  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

#### **19A NCAC 02B .0511 NOTICE REQUIRED BEFORE WORK BEGINS**

(a) The applicant shall notify the division engineer or his appointed representative prior to beginning work on the highway right-of-way. notice is not required for underground utility service connections and aerial crossings installed under blanket agreements.  
(b) The Division Engineer or his representative shall notify the bridge maintenance superintendent before work begins when attachments to structures are involved.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*

#### **19A NCAC 02B .0512 NOTIFICATION REQUIRED UPON COMPLETION OF WORK**

The applicant shall notify the Division Engineer in writing when all work contained in the agreement has been completed. Written notification of completion will not be required for encroachments on active highway projects, and any utility installed under a blanket agreement.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Pursuant To G.S. 150b-21.3a, Rule Is Necessary Without Substantive Public  
Interest Eff. September 6, 2016.*



### **19A NCAC 02B .0513 FINAL INSPECTION: FINAL REPORTS**

(a) The Division Engineer or his designated representative shall make a final inspection of all authorized encroachments. Where applicable, the Bridge Maintenance Superintendent will also participate in the final inspection.

(b) The Division Engineer or his designated representative shall notify the Manager of Right of Way in writing as to whether or not each completed encroachment is satisfactory. Written notice of acceptance is not required for encroachments authorized under blanket agreement.

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0514 ENCROACHMENT AGREEMENTS ON FEDERAL-AID HIGHWAYS**

*History Note: Authority G.S. 136-18(5); 136-18(10); 136-93;  
Eff. April 3, 1981;  
Repealed Eff. December 29, 1993.*

### **19A NCAC 02B .0515 RELOCATION OF UTILITIES ENCOUNTERED IN HIGHWAY IMPROVEMENTS**

(a) The Department of Transportation shall assume the financial responsibility for non-betterment costs of adjusting or relocating utilities which are in conflict with the construction of a highway project and occupy a valid utility right of way. A valid utility right of way for the purpose of this Rule is one in which the Municipality or other utility owner has a compensable interest. The Department of Transportation, upon the request of the Municipality or other utility owner, may provide the engineering and include the utility adjustment or relocation in the highway improvement contract at no cost to the Municipality or other utility owner.

(b) The Department of Transportation shall assume the financial responsibility for the non-betterment cost of adjusting or relocating those municipally-owned utilities necessitated by highway construction when said utilities are located on a non-system right of way provided that:

- (1) the highway construction does not constitute an improvement to the non-system street in which the utilities are located, and
- (2) the non-system street in which the utilities are located is not incorporated into or obliterated by the highway project. The mere crossing of a project by a street either at-grade or by separation shall not constitute "incorporation" into the project.

(c) The Municipality or other utility owner is financially responsible for the adjustment or relocation of utilities in conflict with a highway improvement when such utilities are located within the existing right of way of a State system highway, except as provided for in G.S. 136-27.1.

(d) The owner of the utility is financially responsible for the adjustment or relocation of utilities in conflict with a highway improvement when such utilities are located on a non-valid utility easement.

(e) The Department of Transportation may enter into agreements with Municipalities or other utility owners to provide that the necessary engineering and utility construction be accomplished by the Department on a reimbursement basis as follows:

(1) Reimbursement to the Department will be due after completion of the work and within 60 days after date of invoice.

(2) Interest shall be paid at the rate of eight percent on any unpaid balance due.

(f) Should a Municipality fail to pay the Department of Transportation in accordance with the provisions of the Utility Agreement, the Department may apply up to ten percent of each year's allocation of the Municipality's share of funds allocated under the provisions of G.S. 136-41.1 (Powell Bill) until the Municipality's obligation is paid.

(g) In those cases where no agreement can be reached, or in cases where the utility owner refuses to relocate or refuses to claim ownership, the Board shall issue an order on the authority of G.S. 136-18(10) requiring the necessary adjustments. Upon failure of the utility to comply with the order, all utility construction shall be included in the highway improvement contract. Upon completion of the work, the owner of the utility shall be invoiced for the work performed. If the invoice is not paid, the Board of Transportation shall refer the matter to the Office of the Attorney General for further action.

*History Note: Authority G.S. 136-18(10); 136-27.1; 136-93;  
Eff. November 1, 1991;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02B .0601 DRIVEWAYS IN HIGHWAY RIGHT OF WAY - GENERAL**

(a) Any person or corporation desiring to construct a driveway or other connection within the right of way of a state system street or highway shall, before beginning any construction, secure a permit from the Department of Transportation authorizing construction on the state right of way. Driveway connections to residences are normally excluded from this requirement, but may be included at the option of the Department where access connections involve a public safety hazard or at locations involving a highway construction project or if drainage installation costs are excessive or drainage complications are obvious.

(b) Failure to secure a permit prior to construction may result in the removal of the driveways or denial of access at that location, until an approved permit is executed.

(c) Within local governments having local ordinances affecting driveways, the more restrictive ordinance, municipal, county or state, shall apply to driveways connecting into state system streets and roads.

*History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; July 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02B .0602 OBTAINING A DRIVEWAY CONSTRUCTION PERMIT**

(a) Application for a driveway construction permit will be made to the District Engineer having jurisdiction in the area.

(b) Information that must be given with the application is listed below. Additional information will be required for special commercial property uses as shown in Rule .0603 of this Section.

- (1) The location of the property must be identified clearly enough for the proposed site to be located in the field.
- (2) Complete names and addresses of the property owner and the applicant must be given on the application.
- (3) The planned property use must be indicated as one of the following:
  - (A) Residential Subdivision - Low volume traffic generators (Average Daily Traffic less than 200 vehicles per day) such as small apartment complexes, mobile home parks, condominium developments, and other small residential developments.
  - (B) Regular Commercial - Low to moderate volume traffic generators (Average Daily Traffic greater than 200 but less than 1,000 vehicles per day) such as single commercial businesses, small shopping centers, light industrial and manufacturing establishments, small service businesses, service organizations and churches.
  - (C) Special Commercial - High volume traffic generators (Average Daily Traffic greater than 1,000 vehicles per day) such as large shopping centers, major recreational facilities, large office buildings or complexes containing more than 200 parking spaces, hospitals, large industrial developments, airports, large residential developments and civic centers.

(c) Plans shall be submitted which clearly indicate the character and extent of the work proposed, including:

- (1) the location of all existing or proposed buildings;
- (2) retaining walls, drainage, poles, and other physical features which effect the driveway location;
- (3) pavement and right of way widths;
- (4) roadway alignment and channelization;
- (5) location of control of access; and
- (6) offstreet parking locations which may affect the driveway location.

*History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;*

*Amended Eff. December 29, 1993; July 1, 1981;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## 19A NCAC 02B .0603 DRIVEWAY PERMITS FOR SPECIAL COMMERCIAL PROPERTY

(a) Property use designated as special commercial in Rule .0602 of this Section shall require study to a greater depth than other commercial property uses due to the possibility of greater traffic generation. As a result, a four-week review period shall be required by the Department. The permit shall be submitted sufficiently in advance of the planned construction date to allow for this review period. The different types of property uses that come under this heading are:

- (1) Shopping centers with one or more adjoining commercial or service establishments planned or constructed;
- (2) Residential developments;
- (3) Recreational facilities;
- (4) Office buildings or complexes containing more than 200 parking spaces;
- (5) Hospitals or large medical facilities;
- (6) Industrial developments;
- (7) Airports;
- (8) Civic Centers;
- (9) Other uses which can be expected to attract large amounts of traffic (Average Daily Traffic greater than 1,000 vehicles per day); and
- (10) Any development located at high volume or high accident locations, which are locations having a history of accidents.

(b) In addition to the items required on the permit application as specified in Rule .0602 of this Section, the following items of information, with the exceptions noted, must be shown on the site plans before the application can be considered:

- (1) a complete plot plan showing the buildings and parking space layouts (not necessary for new public streets);
- (2) the proposed driveway locations and widths;
- (3) the approximate distances between the following items:
  - (A) driveway centerline to centerline of nearest crossroad;
  - (B) driveway centerline to existing or proposed crossovers;
  - (C) driveway centerline to adjacent streams or bridges;
  - (D) pavement edge of road to right of way; and
  - (E) width of adjacent roads.

(c) In the absence of local zoning or subdivision ordinances, the developer shall present four copies of the site plans to the District Engineer at least four weeks prior to the planned construction date.

(d) Where local zoning or subdivision ordinances exist, the developer shall submit five copies of the site plans to the local planning body. The local planning body, after tentative approval of the plan, shall forward four copies of the plans to the Division Engineer. The Division Engineer shall take the necessary action and inform the developer and the local planning body of the results of the investigation conducted by the Department.

*History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;*

*Eff. April 3, 1981;*

*Amended Eff. January 1, 1995; December 29, 1993; July 1, 1981;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0604 APPROVAL OF APPLICATION**

The approval of the application shall be subject to the following conditions:

- (1) The application shall be properly and clearly completed.
- (2) The location, design, and construction of driveways shall meet the general and geometric requirements as specified by the responsible District Engineer which will include necessary provisions for drainage, pavement types and thickness, sight distance requirements, and other details.

Note: The Department publishes a brochure entitled, "Manual on Driveway Entrance Regulations" which includes the normal design and construction criteria required for various types of driveway entrances. This manual may be obtained from the Traffic Engineering Branch, Division of Highways, Raleigh, free of charge.

- (3) The permit shall require that the applicant assume the following construction responsibilities:
  - (a) Existing open ditch - The applicant shall furnish all required pipe of size, type and quantity as specified by the engineer. The pipe will be laid and backfilled by the Department, if requested. The applicant shall bear the full cost of any stabilization and pavement placed on the driveway(s) within the right of way.
  - (b) Existing curbed streets - The applicant will bear all costs of driveway construction including the cost of replacing all joints of curb damaged during construction.
  - (c) No alteration or addition shall be made to any driveway within the right of way without first securing a new permit from the District Engineer.

The Department reserves the right of inspection, by its authorized representatives, of any driveway construction within the right of way. In the event of failure to comply with the terms of the permit, faulty workmanship, or materials, the Department shall have the right to stop the work until such time as the objectionable conditions are corrected. All costs incurred in the removal and/or correction of non-compliance with design, defective workmanship, and/or materials shall be borne by the applicant.

*History Note: Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; July 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02B .0605 APPLICATION REVIEW PERIOD**

The Department will process all permit applications as expeditiously as possible. Routine permit applications processed by the District Engineer will require approximately two weeks to process. Permit applications that are considered complex will be processed in approximately four weeks.

*History Note:* Authority G.S. 136-18(5); 136-89.50; 136-89.51;  
Eff. April 3, 1981;  
Amended Eff. October 1, 1993; July 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02C .0101 GENERAL DEFINITIONS**

The secondary road system within a county for the purpose of this Subchapter consists of those roads maintained by the Department of Transportation that do not carry "NC" or "US" numbers and are outside the boundary of any incorporated municipality. In the development of secondary road plans, these roads fall into several categories which are defined as follows:

- (1) Principal County Routes. These routes serve as the backbone of the rural transportation network within a county. Their major purpose is to move local traffic to community and recreational centers, shopping and industrial areas, to urban areas within the county and to connect together the other secondary roads with the primary highway system. In addition, they serve abutting residential, farming, business and industrial property.
- (2) County Roads. These roads have as their primary purpose serving abutting residential, farming, business, and industrial use. They also carry small to moderate volumes of traffic moving to the principal county routes and the primary highway system. Their dual function of serving traffic and abutting property is variable depending upon their importance as a through route or connecting link.
- (3) Subdivision Streets. A subdivision street is considered to be a street or road which has been dedicated to the public to provide ingress and egress to lots or parcels which have been laid out for the purpose of providing home sites by a person or firm hoping to profit by the sale of such parcels. These lots or parcels are of insufficient size to be used primarily for farming purposes. A subdivision street is primarily for the use and convenience of the abutting property owners and not the general traveling public.
- (4) Collector Roads. Collector roads channel traffic in subdivisions from side roads. They also provide access from other state-maintained roads.

*History Note:* Authority G.S. 136-44.2; 143B-350(f) and (g);  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.



## **19A NCAC 02C .0102 MINIMUM STANDARDS FOR SECONDARY ROADS**

The minimum standards for secondary roads are as follows:

- (1) The Department of Transportation shall require a right of way width of 50 feet for secondary roads added to the system. The right-of-way width may be such as to provide for expected future improvement and maintenance needs of a particular road. A minimum of 50 feet in width for connecting roads and a minimum of 45 feet in width for dead end roads is required. Construction or maintenance easements beyond the right-of-way may be required, if necessary.
- (2) The DOT may authorize rights of way for secondary roads that are less than the minimum required width upon a determination by the Manager of Secondary Roads, and with the approval of the Board of Transportation, that the minimum required right of way width is not feasible, based upon reasonable engineering principles and costs, or creates unnecessary hardships, and safety is not sacrificed.
- (3) For unpaved roads, a minimum travelway width of at least 20 feet is required. Where feasible, road widths of 32 feet including side ditches shall be required. Where not feasible, the requirement may be reduced to a width applicable to the situation, if safety will not be sacrificed.
- (4) Unpaved roads may be stabilized based upon the level of service that the roads render for acceptable use in all except extreme weather conditions.
- (5) Any secondary road may have drainage established that is adequate to maintain the road in a manner that is justifiable based upon the service that the road renders.

*History Note: Authority G.S. 136-44.7; 143B-350(f) and (g);  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02C .0103 ADDITION OF ROADS TO THE SECONDARY ROAD SYSTEM**

The following requirements must be met before a county road will be added to the secondary road system, provided, however, that the Board of Transportation reserves the right not to add a road to the system if it is evident that the cost of improving said road to minimum standards is excessive within the funds presently available for maintenance and construction within the county:

- (1) Addition of county roads to the system.
  - (a) Property owners must dedicate, free of charge, a right of way sufficient for maintenance and safety purposes. A minimum width of 50 feet for connecting roads and 45 feet for dead end roads is required.
  - (b) Roads one mile or less in length must have at least five occupied residences fronting the road or with direct entrance to the road. These residences must be all-year residences. If a summer resort, each residence counts as one-half a residence.
  - (c) Roads of one or more miles in length must have an average of five occupied residences per mile fronting or having direct entrance to the road.
  - (d) There must be at least two individual property owners on the road.
- (2) Addition of subdivision streets to the system.

- (a) Developers or property owners must dedicate the following rights of way, free of charge and free of all encumbrances:
  - (i) Connecting Roads. The right of way width for roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system is 50 feet.
  - (ii) Short Connecting Roads. These roads are one block long or extend on a block-by-block basis and have no collector characteristics. The right-of-way width is 45 feet.
  - (iii) Loop Roads. These are roads which are less than one mile in length and have no collector road characteristics. The right-of-way width is 45 feet.
- (b) Utilities requiring adjustment or relocation to conform to Department of Transportation's rules which are contained in 19A NCAC 2B .0500 shall be made at no expense to the Department of Transportation. Existing or relocated utilities may remain within the right of way of any subdivision street added to the secondary road system provided the location of same meets Department of Transportation's approval and further provided the utility owner executes an encroachment agreement on forms furnished by the Division of Highways. Utilities are defined as electric power, telephone, television, telegraph, water, sewage, gas, oil, petroleum products, steam, chemicals, drainage, irrigation and similar lines.
- (c) At least 20 percent of the lots bordering the street must be individually owned.
- (d) There must be at least two occupied residences for each one-tenth of a mile. Subdivision access roads must provide ingress and egress for at least five occupied residences for roads less than one mile in length and an average of five occupied residences per mile for roads over one mile in length. A subdivision access road is a road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.
- (e) A minimum of four occupied homes is required for the addition of roads less than two-tenths of a mile in length. Cul-de-sacs less than two-tenths mile in length must serve at least four occupied homes. If four occupied homes are not served, the cul-de-sac may be treated as a private drive. Also see .0112(c) of this Subchapter.
- (f) Connecting roads with fewer than the required occupied homes for the length involved may be reviewed as to traffic usage for addition purposes. Traffic usage equivalent to the traffic that would be generated by the correct number of occupied homes shall be acceptable.
- (g) Any subdivision street with a right of way dedicated, recorded or that has preliminary approval from a county planning board dated after September 30, 1975, shall not be added to the state maintained system unless the street is paved to the minimum construction standards of the Department of Transportation for subdivision streets.
- (h) The Board of Transportation shall consider the addition of streets that serve developments with large lots or parcels that are of the size that the



occupied housing requirement of two homes per tenth of a mile cannot be met. The number of occupied homes needed shall be a judgment factor based upon the length and the number of lots or parcels involved. The minimum requirement shall be four occupied homes.

- (i) Erosion and Sedimentation. All subdivision roads shall have a permanent vegetative cover established and other permanent erosion control measures installed in accordance with Division of Highways' specifications, prior to addition to the State maintained system.
  - (j) Subdivision roads shall meet the minimum design and construction criteria and be maintained prior to addition to the State Highway System when petitioned for State maintenance.
  - (k) All pipe culverts, storm sewers and appurtenances shall be free of all debris and silt build-up and shall be structurally and hydraulically sound, and functioning in a normal manner. All drainage ditches shall be of such a width and depth and with such a slope as to carry the anticipated discharges. Paved ditches or rip rap shall be required where necessary.
- (3) The DOT may accept rights of way for secondary roads that are less than the minimum required width upon a determination by the Manager of Secondary Roads, and with the approval of the Board of Transportation, that the minimum required right of way width is not feasible, based upon reasonable engineering principles and costs, or creates unnecessary hardships, and safety is not sacrificed.

*History Note:* Authority G.S. 136-44.7; 136-44.10; 136-102.6;  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; July 1, 1984; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02C .0104 IMPROVEMENT OF ROADS ADDED TO THE HIGHWAY SYSTEM**

- (a) When a county road is added to the highway system, the road shall be maintained. The addition of the road to the secondary road system does not imply that this road shall be widened, improved, stabilized or paved.
- (b) The general improvement of a road recently added to the system shall be considered in light of the service that the road renders to the general traveling public. Dead end roads for example, may not necessarily receive the same level of maintenance service as connecting roads receive.

*History Note:* Authority G.S. 136-44.1; 136-44.3; 136-44.7;  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02C .0105 PROPERTY OWNER PARTICIPATION PAVING**

(a) Subdivision-Residential Roads. Those roads which are eligible to be paved on a property owner participating basis will be administered according to the following procedure:

- (1) The property owners or their representative may contact the division engineer or his representative to determine whether or not the road in question is eligible for paving on a participating basis. If all property owners agree to pay four dollars (\$4.00) per linear foot to have the road paved they are determined eligible for paving on a participating basis.
- (2) If the division engineer or his representative determines that the road in question is eligible to be paved on a participating basis, he will so inform the property owners or their representative. He will then make a survey to determine the length of the road in question and will submit to the property owners or their representative a letter stating the cost, at a rate of four dollars (\$4.00) per linear foot, for each side of the road, to the property owners for the road to be paved and the approximate date when the work can be completed.
- (3) The property owners must then present to the division engineer or his representative a certified check made payable to the Department of Transportation, Division of Highways for the entire amount as stated in Subparagraph (a)(2) of this Rule. Once this has been accomplished, work will proceed as soon as DOT staff and supplemental funds are available.

(b) Rural Roads. The Board of Transportation shall allow the paving of a rural road on a property owners' participation basis identical in cost of four dollars (\$4.00) per foot along each side as required for unpaved subdivision/residential roads. Property owner participation paving is on a first-come, first-served basis. A section of rural unpaved road to be paved under this rule will be at least 0.30 of a mile in length provided the road is more than 0.30 of a mile in length. The section to be paved can be at the beginning, middle, or end of an unpaved road and need not connect to existing pavement.

*History Note: Authority G.S. 136-44.1, 136-44.2; 136-44.7; 143B-350(f) and (g);  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; November 1, 1991; July 1, 1984; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0106 PRIORITY RATINGS FOR PAVING SECONDARY ROADS**

(a) The paving of unpaved roads in any county is based upon the total needs which take into account land use and public service characteristics, traffic characteristics, and general route characteristics.

(b) A priority rating sheet is developed for each unpaved secondary road in the county as a guide line and the roads are then rated by priority, and as funds are available, the Board of Transportation attempts to meet the needs of the county.

*History Note: Authority G.S. 136-44.1, 136-44.4; 136-44.7; 143B-350(f); 143B-350(g);  
Eff. July 1, 1978;*

*Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0107 ABANDONMENT OF SECONDARY ROADS**

*History Note: Authority G.S. 136-44.1, 136-55.1; 136-63; 143b-350(F); 143b-350(G);  
Eff. July 1, 1978;  
Repealed Eff. December 29, 1993.*

### **19A NCAC 02C .0108 ACQUISITION OF RIGHT OF WAY FOR SECONDARY ROADS**

(a) For the improvement or paving of unpaved secondary roads, the property owners shall dedicate, at no cost to the Department of Transportation, adequate right of way for construction and maintenance. As an exception, the Department of Transportation may acquire by purchase, donation or condemnation, such right of way as may be determined necessary to make safety improvements to unpaved secondary roads, or to construct, improve, or replace structures thereon, to protect the safety of the traveling public. This Section shall not be construed to limit the authority of the Department of Transportation to exercise its power of eminent domain.

(b) With respect to paved roads on the state maintained secondary road system, the Department of Transportation may acquire by purchase, donation, or condemnation, such right of way as may be determined necessary to make improvements to protect the safety of the traveling public. The terms of Paragraphs (d) and (e) of this Rule shall not apply to this Paragraph.

(c) On existing secondary roads which are part of the state highway system and have been approved for paving or general improvement, the Department of Transportation may pay for the cost of moving any existing fences or buildings within the rights of way.

(d) If one or more property owners refuse to dedicate the necessary right of way in order to pave a secondary road, the Department of Transportation may allow the remaining property owners to post a bond to cover condemnation costs incurred by the Department of Transportation. The Department of Transportation may then condemn the right of way necessary for paving the road.

(e) The amount of the bond to be posted by the property owners that are willing to give the right of way free of cost to the Department of Transportation may be determined in the following manner: The Department of Transportation may require up to two thousand five hundred dollars (\$2,500) for each parcel to be condemned based upon costs incurred for such condemnations during the previous one-year period in the county involved. If no condemnation precedents have occurred in the previous one-year period in that county, the department shall use the latest condemnation cost for the county involved. In addition, the Department of Transportation may require that the estimated amount of funds for appraised damages, if any, be posted along with the amount to cover court costs. For example, if in a previous one-year period, cost incurred in a particular county for condemning one parcel of property is two thousand one hundred dollars (\$2,100), the amount of two thousand one hundred dollars (\$2,100) may be required per parcel. If cost incurred is three thousand dollars (\$3,000) per parcel, two thousand five hundred dollars (\$2,500) may be required for each parcel to be condemned. If the damages for a parcel are one thousand dollars (\$1,000), a total of three thousand one hundred dollars (\$3,100) may be required for that one parcel. If there are two parcels, one having one thousand dollars (\$1,000) damages

and the other having two hundred dollars (\$200.00) damages, three thousand one hundred dollars (\$3,100) may be required for one parcel and two thousand three hundred dollars (\$2,300) may be required for the other.

*History Note:* Authority G.S. 136-18(26); 136-44.1; 136-44.8; 136-44.16; 136-182;  
Eff. July 1, 1978;  
Amended Eff. January 1, 2004; December 1, 1994; December 29, 1993; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02C .0109 RIVER ROAD OR MOUNTAIN DEVELOPMENTS**

Many areas have developments that serve seasonal residences mainly even though there may be some year-round occupancy. These type roads are to be added to the state maintained system by the Board of Transportation only if the access road to the development and the roads within the development are paved to the minimum Board of Transportation's construction standards. This is in line with the paved subdivision street or road requirement.

*History Note:* Authority G.S. 136-44.1, 136-44.10; 143B-350(f); 143B-350(g);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02C .0110 IMPROVEMENTS FOR INDUSTRIAL: MANUFACTURING PROJECTS**

(a) The Board of Transportation may review requests for access road improvements to industrial or manufacturing projects as a part of the statewide effort to attract new industry to North Carolina. Projects eligible for assistance from the Department of Transportation may be the construction or expansion of any industrial or manufacturing factory, mill, assembly or fabricating, or industrial research development or laboratory facility, or industrial processing facility. The Board of Transportation may individually review the economic impact of the location of distribution facilities for distributing manufactured goods. The number of employees and the amount of truck traffic shall be primary justification for assistance with road improvements. Approval of such requests shall be based primarily upon the initial number of employees as compared to the road improvement cost. The initial investment in the project and the precedent of past approvals by the Board of Transportation for similar projects will be considered. The particular county involved shall be considered as to current economic development.

(b) In the case of Paragraph (a) of this Rule, the access road alignment shall be determined by the Department of Transportation, and the right-of-way shall be dedicated at no cost to the Department of Transportation. Such access road improvements shall terminate at the property line of the project. The road improvements involved must become a part of the state maintained system as required by G.S. 136-44.2.

(c) The Board of Transportation may consider the addition of an access road constructed by others to the state maintenance system. The construction standards for such a road shall be determined by the Division Engineer based upon the intended use of the roadway.

*History Note: Authority G.S. 136-44.1; 136-44.2; 143B-350(f); 143B-350(g);  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; November 1, 1991; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0111 COUNTY LANDFILL ROADS**

(a) The Department of Transportation may assist the individual counties in the construction of roads to serve county supervised landfills by either participating with the financing, by doing the construction on a 100 percent reimbursable basis or by assuming the total construction cost after it has been determined to what degree that secondary road improvement funds allocated to that county may be available. The construction cost of the road to serve the landfill must be of a reasonable nature when compared to the total needs of the county as well as available funds. The road shall become a part of the state maintained system and a right of way width to be determined by the Department of Transportation must be dedicated to the Department of Transportation at no cost and the division of highways must be allowed to utilize the landfill for dumping purposes free of charge.

(b) The initiation of such a project shall be by a resolution from the board of county commissioners recommending the use of county allocated funds to partially or totally fund the road. The resolution must also state that the Division of Highways can utilize the landfill.

*History Note: Authority G.S. 136-44.1; 143B-350(f);; 143B-350(g);  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0112 STATEMENT OF POLICY**

*History Note: Authority G.S. 136-44.1, 136-44.10; 136-102.6; 143B-350(f); 143B-350(g);  
153A-205;  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; November 1, 1991; October 1, 1982;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*

### **19A NCAC 02C .0113      DESIGN AND CONSTRUCTION CRITERIA - SUBDIVISION STREETS**

*History Note: Legislative Objection [(a)] Lodged Eff. August 19, 1980;  
Legislative Objection [(a)] Removed Eff. April 23, 1981;  
Authority G.S. 136-18(1); 136-44.1; 136-102.6; 143B-350(f); 150A-62; 150A-63(c);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. April 3, 1981.*

### **19A NCAC 02C .0114      SCHOOL BUS DRIVES AND SCHOOL BUS PARKING AREAS**

The Board of Transportation shall pave a school bus drive and stabilize a school bus parking area at public schools.

*History Note: Authority G.S. 136-18(17); 143B-350(f) and (g);  
Eff. November 1, 1991;  
Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C.0115      RURAL VOLUNTEER FIRE AND RESCUE SQUAD FACILITIES**

The Board of Transportation may finance the construction of entrance driveways to the vehicle bays of rural volunteer firehouses approved by the North Carolina Fire Insurance Rating Bureau and the vehicle bays at rural rescue squad facilities approved by the North Carolina State Association of Rescue Squads, Inc. The Board of Transportation may provide maintenance improvements to those areas previously constructed by the Department of Transportation. The cost of the maintenance improvement shall be reasonable in nature and may be subject to availability of funds from the Secondary Road Fund allocation to the counties.

*History Note: Authority G.S. 136-18(24); 143B-350(f) and (g);  
Eff. November 1, 1991;  
Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0116      REIMBURSEMENT OF SCHOOLS FOR TRANSPORTATION IMPROVEMENTS COMPLETED ON THE STATE HIGHWAY SYSTEM**

(a) The school shall consult with the Department by contacting the Division of Highways, Division Office, District Engineer governing the specific area in which the school is located to

initiate reimbursement for transportation improvements. Reimbursement of all costs associated with the Department's required transportation improvements shall be assessed for value consistent with Department transportation improvement projects of the same type and size.

Contact information for each Division Office may be accessed at

<https://www.ncdot.gov/doh/divisions/>. Criteria for reimbursement are as follows:

- (1) The school shall comply with all of the notification provisions to the Department set forth in G.S. 136-18(29a);
- (2) The school shall be open for the general instruction, specialized instruction, administration, or student services and support of children in any grade or combination of grades, from kindergarten through the 12th grade;
- (3) The school shall provide paid itemized invoices from the contractor of the work completed for which the school is requesting reimbursement;
- (4) The Department shall provide to the school the option of securing the written evaluation and written recommendations from the Department within 60 days. In fulfilling this option, the Department may engage a prequalified traffic engineer to provide the written evaluation. However nothing shall preclude the school from securing its own prequalified engineer. Regardless of the option chosen, the written evaluation and recommendations shall be prepared in compliance with G.S. 136-93.1A;
- (5) The school may request the Department to contract with and fund a specific independent traffic engineer chosen by the school, but any such engagement shall be considered for approval on an individual basis and according to the Department's prequalification process. If the requested engineer is not on the prequalified list, the Department may take the time to qualify that engineer and add him or her to the prequalified list prior to the commencing of work on the evaluation. The process to qualify an engineer in this manner will occur when requested in writing by the school, acknowledging that the evaluation period will not start until the requested engineer is qualified;
- (6) If the school hires a prequalified traffic engineer in lieu of an evaluation by the Department, the Department shall only reimburse the costs of a completed independent traffic study that quantifies the extent of a transportation problem or provides an analysis of a proposed transportation solution for the selected school site where the scope of the study is set by the Department prior to commencing work on the study;
- (7) Reimbursement requests that exceed 10 percent of the estimated costs of the improvements as determined by the Department based upon the scope of the requirements for the specific project shall require written justification from the school for the increased cost;
- (8) Reimbursement requests for costs associated with the engineering design and independent traffic engineering evaluation that exceed 15 percent of the construction costs reimbursement request shall require written justification from the school for the increased cost; and
- (9) The Department shall only provide reimbursement for those transportation improvements on a State maintained roadway that are required by the Department. The requirements may include those requested by any other reviewing authority so long as the improvements are confirmed as necessary requirements by the



Department. Schools may install improvements that exceed those required by the Department. However, the school shall agree to pay for the costs of those additional improvements. Nothing herein requires the school to agree to make any improvements beyond those that are required by the Department.

(b) Any independent traffic engineer who is completing this work for the Department or for a school shall be prequalified by the Department in Work Codes 205 – School and Traffic Operations Studies and 252 – Traffic Impact Studies. Information on Department Work Codes and prequalification may be accessed at

<https://connect.ncdot.gov/business/Prequal/PrequalApp/Work%20Code%20Descriptions.pdf> and <https://connect.ncdot.gov/business/Prequal/Pages/default.aspx>. The independent traffic engineer

must follow all written guidelines and standards for school studies and traffic impact analysis, and any deviation from such standards shall be subject to the review and written approval of the Department's State Traffic Engineer or his or her designee prior to completion of the study. The traffic study shall assess on-campus loading and unloading of both carpoolers and school buses.

The study shall have recommendations to manage the school's on-campus traffic queues at the entrance(s) to the school, and locations within the selected school site that impact the State highway system. The independent traffic engineer shall have the scope of the study approved by the Department's District Engineer prior to initiating the study. Pursuant to G.S. 160A-307.1, the independent traffic engineer shall study those improvements that are eligible for reimbursement by the Department or municipalities. The independent traffic engineer shall prepare the study in compliance with the time periods set forth in G.S. 136-93.1A. Any traffic data collection activities will be conducted by a firm who is prequalified in Work Code 309 – Traffic Data Collection. This work may be subcontracted to a qualified firm if the independent traffic engineer is not prequalified in this area. (c) Any new, relocated, or expanded schools that opened

on or after August 1, 2017, and prior to the adoption of this temporary rule, shall contact their respective District Engineer's Office to facilitate the request for reimbursement for transportation improvements to the State highway system. (d) A "temporary classroom facility" means any facility used for the general instruction, specialized instruction, administration, or student services and support of children in any grade or combination of grades from kindergarten through 12th grade on a temporary basis while awaiting completion of a school facilities project that will permanently house students. Any school that must open a temporary classroom facility shall consult with the District Engineer governing the specific area where the school is located.

The District Engineer shall provide a written evaluation and recommendation on whether the selected school site access points to the State highway system are in compliance with G.S. 136-18(29a). Prior to selecting a temporary classroom facility, the school may request and the Department may review each of the prospective temporary classroom facility sites to determine the transportation impacts to off-campus activities. Any analysis performed of the proposed temporary classroom facility sites shall not include transportation impacts associated with on-campus activities. (e) The Department shall consider the following non-reimbursable improvement expenses pursuant to G.S. 136-18(29a):

- (1) Improvements that exceed the Department's requirements.
- (2) Any connection not on the State's right-of-way but instead on the school's property.
- (3) Any improvements that the Department would not require as part of G.S. 136-18(29) or G.S. 136-18(29a), such as sidewalks that do not connect to other networks or curb and gutter where the Department has curb and gutter, unless required by the Department on the driveway permit.



- (4) Any on-campus transportation improvements required to manage traffic flow, parking, and routing within the property limits of the school drop-off and pick-up queuing, student and teacher parking, and loading dock expansions or relocations.
  - (5) New utilities required for the selected school site that are not directly associated with and impacting its access points to the State highway system. The school shall coordinate with the Department prior to the placement of any utilities in the State right-of-way. If the school chooses to place a new utility at the school site that must be moved for transportation improvements, the Department shall not reimburse for the movement of those utilities. The Department shall only provide reimbursements for existing utilities that require relocation for transportation improvements.
  - (6) Any improvements to the State highway system that are part of a mixed-use development site that also include a school where such improvements would be required if a school were not part of the development. The Department shall first analyze the site without considering the school facilities and then analyze the site with the school facilities included. Any improvements that are not necessitated by traffic from the school facilities shall not be reimbursable.
  - (7) Improvements made to the State highway system for developments planned for purposes other than a school. Any additional improvement to the State highway system required by the conversion of property to a school shall be eligible; however, an additional school study may be required if the Department has previously been approached and analyzed the site according to a non-school or non-educational land use.
- (f) Where a new, relocated, or expanded school is located on a property that is only served by a municipal street that is not State-maintained, the school may request a review and final determination by the Department pursuant to G.S. 160A-307.1 to assess whether the improvements required by the municipality exceed those required by G.S. 136- 18(29).

*History Note: Authority G.S. 136-18(1); 136-18(29); 136-18(29a); 136-28.1, 136-93.1A; 160A-307.1;*

*Temporary Adoption Eff. February 23, 2018.*

## **SECTION .0200 - MINIMUM DESIGN AND CONSTRUCTION CRITERIA FOR SUBDIVISION STREETS**

**Note: The Department of Transportation publishes a volume entitled "Subdivision Roads." This volume contains illustrations of typical subdivision cross sections, street connections, intersections, driveway turnout grades and cul-de-sacs. The volume also contains names and addresses of division and district engineers. In general "Subdivision Roads" is a restatement of the information included in this Section. A copy of "Subdivision Roads" may be obtained from the Secondary Roads Department, Division of Highways in Raleigh, or from division and district highway offices across the state without charge.**

## 19A NCAC 02C .0201      DEFINITIONS

The following definitions shall apply in this Section:

- (1) Local residential subdivision road. Either cul-de-sacs, loop roads, or roads that do not connect thoroughfares or serve major traffic generators such as schools or industrial sites.
  - (a) Subdivision dead end roads. These are roads less than 2,500 feet in length, open at one end only without special provision for turning around and have no collector characteristics.
  - (b) Subdivision connecting roads. These roads are one block long or extend on a block-by-block basis and have no collector characteristics.
  - (c) Subdivision loop roads. A road that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics.
  - (d) Other subdivision roads. These roads do not connect thoroughfares or serve major traffic generators and do not have "collector" characteristics.
- (2) Residential collector roads. A road which serves as the connecting road between local residential roads and the thoroughfare system.
  - (a) Collector dead end roads. These roads are more than 2,500 feet in length, open at one end only without special provisions for turning around, and have collector characteristics.
  - (b) Collector connecting roads. The roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system.
  - (c) Collector loop roads. A road that has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics.
  - (d) Other collector roads. These are other roads having a "collector" type function in the thoroughfare system.
- (3) A Subdivision road is one that serves a parcel or tract of land that is subdivided into two or more lots, building sites or other divisions for sale or building development for residential purposes where such subdivisions include a new road or change in an existing road. Subdivision roads may be designated public or private. Public designations will be built to minimum construction standards of the North Carolina Department of Transportation as required under G.S. 136-102.6. Private roads need not meet minimum construction requirements, but must meet minimum construction requirements before ever becoming a part of the State-maintained system.

*History Note:*      *Authority G.S. 136-18(1); 136-44.1; 136-102.6;*

*Eff. April 3, 1981;*

*Amended Eff. December 29, 1993; July 1, 1984; October 1, 1982.*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02C .0202 APPLICATION REQUIREMENTS**

Any person or corporation desiring to construct a new subdivision road which is to be dedicated as public, must submit the following information to the District Engineer for proper evaluation in order to obtain a certificate of approval as required by G.S. 136-102.6. If the new subdivision road (to be dedicated as public or private) will connect to a State System road, a permit authorizing construction on State right of way must be obtained from the Division of Highways before beginning any construction. Applications shall be made to the District Engineer having jurisdiction in the area. Applications for new subdivision roads shall include the following information:

- (1) two complete site layouts, including any future expansion anticipated;
- (2) horizontal alignment indicating general curve data on site layout plan;
- (3) vertical alignment indicated by percent grade, P. I. station which is the point of intersecting grades, and vertical curve length on site layout plan. The plotting of the ground profile for roads where special conditions or problems exist may be required;
- (4) typical section indicating the pavement design and width, and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed;
- (5) routine drainage facilities and drainage areas;
- (6) vicinity map;
- (7) the number of platted lots on each road shall be reviewed to insure that the minimum housing requirements are served; and
- (8) four copies of the recorded plat after certification or upon application for State Maintenance.

*History Note: Authority G.S. 136-18(1); 136-44.1;  
Eff. April 3, 1981;  
Amended Eff. December 29, 1993; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02C .0203 REQUIREMENTS/ADDITION OF SUBDIVISION ROADS TO THE SYSTEM**

The following conditions must be met before the Division of Highways may consider the addition of a subdivision street to the state highway system:

- (1) The minimum construction standards and other requirements in this Section must be a part of the proposal to be reviewed for approval before the subdivision map is recorded in the county Register of Deeds Office.
- (2) The developer or property owners shall submit a petition for addition (DOT Form SR1) to the Department of Transportation.
- (3) Developers or property owners must dedicate right-of-way free of charge and clear of all encumbrances.
- (4) Utilities requiring adjustment or relocation to conform to Division of Highways requirements (See Rule .0204 of this Section) shall be made at no expense to the Division of Highways. Existing or relocated utilities may remain within the right-of-way of any subdivision street added to the secondary road system provided

the location of same meets Division of Highways' approval and further provided the utility owner executes an encroachment agreement on forms furnished by the Division of highways.

- (5) At least 20 percent of the lots bordering the street must be individually owned.
- (6) Subdivision access roads must provide ingress and egress for at least five occupied residences for roads less than one mile in length and an average of five occupied residences per mile for roads over one mile in length. A subdivision access road is a road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.
- (7) A minimum of four occupied homes is required for the addition of roads less than two-tenths of a mile in length. Cul-de-sacs less than two-tenths mile in length must serve at least four occupied homes. If four occupied homes are not served, it shall be treated as a private drive.
- (8) Connecting streets with less than the required occupied homes for the length involved may be reviewed as to traffic usage for addition purposes. Traffic usage equivalent to the traffic that would be generated by the correct number of occupied homes may be acceptable.
- (9) Any subdivision street with a right-of-way dedicated, recorded or that has preliminary approval from a county planning board dated after September 30, 1975 shall not be added to the state maintained system unless the street is paved to the minimum construction standards of the Division of Highways for subdivision streets.
- (10) The Division of Highways may consider the addition of streets that serve developments with large lots or parcels that are of the size that the occupied housing requirement of two homes per tenth of a mile cannot be met. The number of occupied homes needed may be a judgment factor based upon the length and the number of lots or parcels involved. The minimum requirement shall be four occupied homes.
- (11) Erosion and sedimentation. All subdivision roads shall have a permanent vegetative cover established and other permanent erosion control measures installed in accordance with Division of Highways' specifications.
- (12) Prior to addition to the state system, subdivision roads shall be in an acceptable state of maintenance when petitioned for state maintenance.
- (13) All pipe culverts, storm sewers and appurtenances shall be free of all debris and silt build-up and shall be structurally and hydraulically sound, and functioning in a normal manner. All drainage ditches shall be of such a width and depth and with such a slope as to carry the anticipated discharges. Paved ditches or rip rap shall be required where necessary.

*History Note:* Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. April 3, 1981;  
Amended Eff. December 29, 1993; July 1, 1984; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

## **19A NCAC 02C .0204 UTILITY REQUIREMENTS FOR SUBDIVISION ROADS**

The following conditions must be met for utilities to be added to subdivision roads.

- (1) Location.
  - (a) Poles and other above-ground utilities which are to remain inside the right-of-way under an encroachment agreement shall be located at or as near as practical to the right-of-way line.
  - (b) Where there are curbed sections, above-ground utilities may be located as far as practical behind sidewalks. There is no single minimum dimension for setback of poles, fire hydrants, etc., behind curbs; however, where there are curbed sections and no sidewalks, six feet shall be used as design safety concept guide.
- (2) Depth of cover for pipe lines and other utilities:
  - (a) longitudinal pipe lines and electric power primary 3'
  - (b) longitudinal electric power secondary, and trenched communication lines 2'
  - (c) crossings under roadways 3'
  - (d) crossings under ditches 2'
  - (e) plowed-in communication lines 18"
- (3) Underground Utilities. For residential subdivision roads and residential collector roads, underground utilities may cross under or run longitudinally under the pavement. For all other roads and highways, underground utilities may cross under but NOT run longitudinally under the pavement except in unusual situations approved by the Division Engineer.
- (4) Acceptable materials for utilities outside pavement shall be the same as covered in (d) of this Rule.
- (5) Any utility to be installed within the right-of-way of a state maintained road will require an encroachment agreement with the North Carolina Department of Transportation in accordance with 19A NCAC 2B .0500.

*History Note: Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. April 3, 1981;  
Amended Eff. December 29, 1993; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02C .0205 DRAINAGE REQUIREMENTS FOR SUBDIVISION ROADS**

- (a) The Division of Highways shall review all drainage prior to acceptance of any facility to the state system.
- (b) All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from runoff of an appropriate storm

frequency. Permanent drainage easements may be required. The minimum design frequency shall be as follows:

- (1) storm sewer collector -- 10 year frequency;
  - (2) cross drainage -- 25 year frequency.
- (c) In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock rip rap may be required.
- (d) Subsurface drainage shall be adequate to maintain a stable subgrade.
- (e) When road crossings are within areas designated as flood hazard areas under the Federal Flood Insurance Program, the design must be approved by the responsible local governing agency for its consistency with local flood zoning ordinances.

*History Note:* Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. April 3, 1981;  
Amended Eff. December 29, 1993; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02C .0206 BRIDGE AND DAM REQUIREMENTS FOR SUBDIVISION ROADS**

#### **19A NCAC 02C .0207 CURB AND GUTTER REQUIREMENTS FOR SUBDIVISION STREETS**

*History Note:* Authority G.S. 136-18(1); 136-44.1;  
Eff. April 3, 1981;  
Amended Eff. July 1, 1984;  
Repealed Eff. December 29, 1993.

#### **19A NCAC 02C .0208 WHEEL CHAIR RAMPS**

*History Note:* Authority G.S. 136-18(1); 136-44.1;  
Eff. April 3, 1981;  
Amended Eff. December 29, 1993;  
Repealed Eff. December 1, 2013.

#### **19A NCAC 02C .0209 PAVEMENT DESIGNS FOR SUBDIVISION ROADS**

#### **19A NCAC 02C .0210 MINIMUM DESIGN CRITERIA FOR SUBDIVISION ROADS**

#### **19A NCAC 02C .0211 STREET INTERSECTIONS FOR SUBDIVISION STREETS**

*History Note:* Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. April 3, 1981;  
Amended Eff. July 1, 1984; October 1, 1982;  
Repealed Eff. December 29, 1993.

### **19A NCAC 02C .0212 ISLANDS OR SHORT MEDIANS AT SUBDIVISION ENTRANCES**

The Department of Transportation may review requests for the allowance of islands or short medians in the right of way desired for aesthetics on State Highway System Secondary Roads at the entrance to a subdivision. The division engineer may allow the island or median sections after review on an individual basis. Approval may be subject to the following conditions:

- (1) The Department of Transportation will not maintain the island or the median section.
- (2) The island or the median section will be removed if not properly maintained by someone involved with the subdivision, i.e. developer, homeowners, etc.

*History Note: Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. October 1, 1982;  
Amended Eff. December 29, 1993; July 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02C .0213 SUBDIVISION NAME MARKERS**

The Department of Transportation may review requests to erect subdivision name markers on an individual basis. The name markers may be allowed to be located within the State Highway System Secondary Road rights of way at the beginning of a subdivision road provided the location of such is outside the line of sight and the normal maintenance limits. The name markers may be approved only at locations which will not sacrifice safety to the general traveling public. Approval to erect subdivision name markers shall be subject to the following conditions:

- (1) All costs shall be the responsibility of the requestor.
- (2) The Department of Transportation will not maintain the marker or the area around the marker.
- (3) The markers may be removed if not properly maintained.

*History Note: Authority G.S. 136-18(1); 136-44.1; 136-102.6;  
Eff. October 1, 1982;  
Amended Eff. December 29, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0104      GUIDELINES - CURB RAMPS**

- (a) Guidelines for the design and construction of curb ramps are available from the Division of Highways, 1 S. Wilmington Street, Raleigh, North Carolina 27601, (919) 707-2500.
- (b) The party or parties cutting an existing curb or constructing a new curb shall ensure that all work is in compliance with all applicable laws.

*History Note: Authority G.S. 136-44.14(c);  
Legislative Objection (a) Lodged Eff. August 19, 1980;  
Legislative Objection (a) Removed  
Eff. April 23, 1981; Eff. July 1, 1978;  
Amended Eff. December 1, 1993; April 3, 1981; April 11, 1980;  
Readopted Eff. February 1, 2019.*

#### **19A NCAC 02D .0402      CURB AND GUTTER AND UNDERGROUND DRAINAGE ON HIGHWAYS**

- (a) The following subparagraphs are applicable to projects included in the state transportation improvement program.
- (1) if curb and gutter or underground storm drainage facilities are not included in a state highway improvement project, such facilities may be added as part of the programmed project if the additional cost of these facilities are paid by the adjacent property owner(s) or the municipality.
  - (2) the department shall approve participation by the property owner(s) or the municipality in cases where the property owner(s) or the municipality agree to have curb and gutter and underground storm drainage, if required, on both sides of the project for a minimum distance of one block or, if no intersections are present, for a minimum distance of 1000 feet. The state shall pay the cost of widening the present or proposed pavement out to the curb and gutter so provided.
  - (3) the property owner(s) or the municipality shall submit in advance of the project construction a certified check for the additional cost of the approved curb and gutter and storm drainage facilities.
- (b) Other existing paved roads. Along existing paved state highway system routes where no construction project is proposed and the adjacent property owner(s) or the municipality construct curb and gutter and underground drainage facilities as approved by the board of transportation, the department of transportation shall bear the cost of widening the existing pavement as required for the proper location and installation of such facilities. Approval of curb and gutter or underground storm drainage facilities that are located along the state highway system, where no construction projects are proposed, shall be determined according to the engineering standards of the department, and based on:
- (1) adequacy of the facilities to handle drainage requirements;
  - (2) adequacy of the resulting roadway cross section to handle existing and anticipated traffic demands;
  - (3) conformance of the proposed street cross section with engineering standards as established by the board of transportation;



- (4) a minimum distance of one block length or, if no intersections are present, for a minimum distance of 1000 feet provided this requirement is not in conflict with local municipal ordinances. In cases of conflict, the local ordinance shall prevail; and
- (5) availability of state funds to widen the existing pavement, when applicable.
- (c) Unpaved Roads. Construction of curb and gutter along unpaved state highway system routes shall not be permitted.

*History Note: Authority G.S. 136-44.1; 136-66.1; 143b-350(F); 143b-350(G);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Readopted Eff. June 1, 2019.*

#### **19A NCAC 02D .0404 MAINTENANCE WITHIN MUNICIPALITIES**

- (a) the definitions set forth in this paragraph shall apply to this rule.
  - (1) "Board" means the Board Of Transportation.
  - (2) "Cross pipe lines" means pipe lines under the roadway surface, designed to convey water from one side of a street or highway to the other.
  - (3) "Maintenance" means routine care or upkeep to keep roads, streets, or highways in the existing condition and with the existing traffic carrying capacity.
  - (4) "Municipality" means an incorporated city or town within the State of North Carolina.
  - (5) "Non-State municipal street" or "Non-State system municipal highway" (municipal system) mean any street or highway accepted by the municipality that is not a part of the State highway system.
  - (6) "Open drainage" means drainage systems utilizing open side ditches, tail, lateral and outfall ditches to convey surface water to outfall streams.
  - (7) "Pavement" means the paved portion of streets, including paved shoulders and on-street parking areas, but not including sidewalks and driveways.
  - (8) "Rural highway" or "Rural street" means a highway or street on the State highway system outside the limits of a municipality.
  - (9) "Shoulder" means earthen, soil, clay, gravel or turf section of pavement support extending from outer pavement edge to the bottom of side ditch, including shoulder sections which are paved.
  - (10) "Sidewalk" means paved walkway, parallel to streets or highways.
  - (11) The State highway system includes those streets and highways as described in g.s. 136-45.
  - (12) "State municipal system street" or "State municipal street highway" mean any street or highway on the State highway system within a municipality.
  - (13) "Storm drainage" or "Storm sewers" mean a system of underground pipes, culverts, conduits, or tunnels, including drop inlets and catch basins, designed to convey water from surface areas to eventual disposal into outfall streams.
- (b) Responsibilities.
  - (1) The Department shall patch and resurface pavement.
  - (2) The municipality shall repair pavement cuts made for utility repair or other purposes under the control of the municipality. The Division of Highways District Engineer, or the District Engineer's designated representative shall be notified in writing 48 hours in

advance of any pavement cut and approval must be obtained prior to making the cut. Pavement cuts due to emergencies may proceed as necessary with the Division of Highways District Engineer, or the District Engineer's designated representative being notified as soon as possible after the emergency is discovered and the pavement cut is made or anticipated.

- (3) If the maintenance of any State highway system street is performed by the municipality, then it shall be the responsibility of the municipality, subject to the approval and direction of the Department, to install and maintain signs, barricades, and other safety devices of like nature, and to furnish flagmen when necessary; all shall be performed in accordance with g.s. 136-130.
- (4) An encroachment agreement is required for the initial installation of any utility on the State highway system right-of-way by the municipality as well as by utility companies and individuals.
- (5) Drainage.
  - (A) The maintenance of roadway ditches including median drainage, where applicable, and cross drainage pipes, outfalls, and structures shall be the responsibility of Department within the highway right-of-way or within a drainage easement area.
  - (B) The maintenance of storm drainage and storm sewer systems draining State highway system streets within the highway right-of-way or within a drainage easement area shall be the responsibility of the Department. Where systems draining State highway system streets are enlarged and expanded to accommodate drainage from municipal streets, the initial cost and the maintenance cost shall be borne jointly by agreement.
  - (C) Attachments to drainage structures shall require the written approval of the Department prior to any utility or other attachment being made to any bridge or structure on the state highway system. Approval shall be required before turning any utility under or through a bridge or drainage structure on the State highway system. Approval is obtained through an encroachment agreement and dependent upon the complexity of the attachment.
- (6) The maintenance of sidewalks is a municipal responsibility.
- (7) Roadside maintenance.
  - (A) All planting, plant maintenance, mowing, erosion control, and litter pickup on freeways, interstate, and other controlled access highways shall be the responsibility of the Department, except as otherwise provided by this rule.
  - (B) Non-controlled access surface streets
    - (i) Erosion control, machine mowing, litter pickup, and the maintenance of trees over the entire width of right-of-way without sidewalk or pedestrian space, paved or unpaved, shall be the responsibility of the Department. Maintenance of shrubs or other planting over the entire width of right-of-way without sidewalk or pedestrian space, paved or unpaved, shall be the responsibility of the department subject to the provision providing for specific planting projects as outlined in part (7)(C) of this paragraph.
    - (ii) The Department shall be responsible for the maintenance of the area outside of the curbs or within and beyond the sidewalk or pedestrian space, paved or

unpaved. These areas are used almost exclusively for pedestrians, and the maintenance of such areas shall be the responsibility of the municipality.

- (C) Should the municipality desire more extensive planting than is provided by the Department, a plan for such proposed planting shall be submitted to the Department and considered a construction or improvement item. An individual permit and agreement on Department and municipal responsibilities for planting and plant maintenance shall be required in each instance, covering not only financial responsibility but also the furnishing of personnel, equipment and materials for performing plant maintenance and associated hand mowing operations.
  - (D) Civic organizations desiring to provide more extensive planting of trees and shrubs in the municipality on Department right-of-way than is provided by the Department shall handle negotiations through the municipality as outlined in part (7)(C) of this paragraph.
- (8) Snow and ice control.
- (A) The responsibility for clearing State highway system streets shall be the responsibility of the Department; however, municipalities may, with the concurrence of the Division Engineer, execute an agreement with the Department providing for reimbursement by the Department to the municipality for the assumption of this responsibility.
  - (B) The removal of snow from sidewalk areas shall not be the responsibility of the Department.
- (9) The Department shall maintain, repair, and replace guard rail on the State highway system streets and highways.
- (10) Street lighting.
- (A) The Department shall maintain street lighting on freeways, interstate systems, and other controlled access highways if determined to be for public safety.
  - (B) The maintenance and the electric current for lighting systems on streets or highways other than as referred to in part (10)(A) of this paragraph shall be the responsibility of the municipality, unless otherwise provided for by specific agreement.
  - (C) The installation of street lighting systems by the municipality on State highway system streets within the right-of-way may be allowed by the Department by encroachment agreement only.
- (11) The Department and the municipality shall ensure that traffic lanes are kept open. In the event that any traffic lanes are blocked for any reason, the department and the municipality shall ensure that the blockage is signed or flagged.

*History Note: Authority G.S. 136-66.1; 136-93; 143b-346;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Readopted Eff. July 1, 2019.*

## **19A NCAC 02D .0405      EXAMPLES OF CONSTRUCTION AND MAINTENANCE ACTIVITIES**

*History Note: Authority G.S. 136-66.1; 143b-346; 143b-350(F); 143b-350(G); 150b-21.3a;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Repealed Eff. June 1, 2019.*

## **19A NCAC 02D .0406      CONSTRUCTION AND MAINTENANCE OF SIDEWALKS**

- (a) The Department shall replace any sidewalk torn up as a result of a highway construction project having to do with the widening of an existing street.
- (b) The Department shall evaluate the need for proposed sidewalks in the planning stage of a project. The Department shall assess information provided by the local government, Transportation Advisory Committee, and Departmental engineering studies.
- (c) The execution of a pedestrian facilities maintenance agreement specifying responsibility for long term maintenance shall be required prior to construction for a proposed sidewalk.

*History Note: Authority G.S. 136-66.1; 143b-346; 23 U.S.C. 133; 23 U.S.C. 217;  
Eff. July 1, 1978;  
Amended Eff. May 1, 1999; December 29, 1993;  
Readopted Eff. July 1, 2019.*

## **19A NCAC 02D .0407      HIGHWAY      AND      STREET      PLANTING      IN      MUNICIPALITIES**

*History Note: Authority G.S. 136-66.1; 143b-346; 143b-350(F); 143b-350(G);  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1991.*

## **19A NCAC 02D .0408      TEMPORARY BRIDGE WEIGHT LIMITS AND CLOSINGS**

After an inspection of any bridge on the State Highway System, any Department of Transportation bridge safety inspector, or any bridge maintenance supervisory personnel, may temporarily lower the authorized weight limits on a bridge, or close the bridge as the circumstances may warrant, if, in his or her judgment, the bridge is not capable of carrying the authorized weight. Such limitation or bridge closing shall remain in effect, not to exceed 60 days, until an analysis of the bridge is made and action taken based upon the bridge analysis.

*History Note: Authority G.S. 136-72; 143b-350;  
Eff. July 1, 1978;  
Readopted Eff. March 1, 2019.*

## **19A NCAC 02D .0409      TEMPORARY ROAD RESTRICTIONS**

*History Note: Authority G.S. 20-121;  
Eff. July 1, 1978;  
Repealed Eff. January 1, 1994 Pursuant To 1991 S.L., C. 477, S. 3.*

## **19A NCAC 02D .0410      RENTAL OF SUPPLEMENTAL EQUIPMENT**

The Department of Transportation, in accordance with its needs and the availability of State-owned equipment, may supplement its own equipment requirements by the rental of privately-owned equipment. Operators may also be furnished with equipment.

*History Note: Authority G.S. 143b-346; 143b-350(F); 143b-350(G);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; November 1, 1991;  
Readopted Eff. June 1, 2019.*

## **19A NCAC 02D .0412      REST AREAS AND WELCOME CENTERS – AUTHORITY**

*History Note: Authority G.S. 136-89.59;  
Eff. July 1, 1978.  
Repealed Eff. August 1, 1986.*

## **19A NCAC 02D .0413      APPROVAL FOR USE - REST AREAS, WELCOME CENTERS**

*History Note: Authority G.S. 136-89.59;  
Eff. July 1, 1978.  
Repealed Eff. August 1, 1986.*

## **19A NCAC 02D .0414      LOCATION OF GARBAGE COLLECTION CONTAINERS**

- (a) An encroachment agreement between the Department and non-Departmental parties shall be required for a garbage collection container site on any State highway rights-of-way.
- (b) No garbage collection container shall be located within 500 feet of an occupied dwelling unless the applicant obtains written permission from the owner of the dwelling.
- (c) Information on initiating the encroachment agreement process for the placement of garbage collection containers on any State highway rights-of-way may be obtained from the State Utilities Manager.
- (d) Guidelines for container sites are as follows:
  - (1) the county or municipality negotiating and executing the encroachment

agreement shall be responsible for any work to be performed in preparation of the site, and any work performed by the Department, on the site, shall be on a reimbursable basis; and

- (2) container sites adjacent to unpaved roads shall be prepared with materials similar to those existing on the traveled portion of the roadway.
- (e) If container sites are located adjacent to the roadway, sight distances shall be provided for any vehicle to safely enter the road from the container site.
- (f) Container sites shall be permitted adjacent to roadways only if lateral clearances can be provided from the edge of pavement to the container.
- (g) The county or municipality that holds an executed agreement for the placement of garbage collection containers, as set forth in this Rule, shall maintain a collection schedule in order to prevent container spillage or overflow, and shall keep the site free from all garbage and trash, other than that which is within the garbage collection containers. Garbage and trash collection located within the garbage collection containers shall be authorized by the encroachment agreement. The encroachment agreement shall provide that the District Engineers shall give written notice to the county or municipality of any failure to comply with this requirement. The encroachment agreement shall also provide that, if a county or municipality that is so notified and does not bring the site within compliance of the requirement within 30 days of receipt of the written notice, the encroachment agreement shall automatically terminate, and the District Engineer shall arrange for the disposal of the garbage collection containers.

*History Note: Authority G.S. 136-18.3; 136-18(10);  
Legislative Objection [(a)] Lodged Eff. August 19, 1980;  
Legislative Objection [(a)] Removed Eff. April 23, 1981;  
Eff. July 1, 1978;  
Amended Eff. March 1, 2013; November 1, 1993; October 1, 1991; April 3, 1981;  
April 11, 1980;  
Readopted Eff. June 1, 2019.*

## **19A NCAC 02D .0415      GENERAL REGULATIONS FOR DRAWBRIDGES**

*History Note: Authority G.S. 136-18(5); 150B-21.3A;  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1996;  
November 1, 1993;  
Repealed Eff. February 1, 2019.*

## **19A NCAC 02D .0416      BRIDGE BETWEEN MOREHEAD CITY AND ATLANTIC BEACH**

*History Note: Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. August 10, 1981;  
Repealed Eff. November 1, 1991.*

<u>19A NCAC 02D .0417</u>	<u>BRIDGE ON US 17 OVER NEUSE RIVER AT NEW BERN</u>
<u>19A NCAC 02D .0418</u>	<u>BRIDGE ON US 70 OVER TRENT RIVER AT NEW BERN</u>
<u>19A NCAC 02D .0419</u>	<u>BRIDGE ON US 17B OVER PERQUIMANS RIVER AT HERTFORD</u>
<u>19A NCAC 02D .0420</u>	<u>DRAWBRIDGES OPEN ONLY UPON ADVANCE NOTICE</u>

*History Note: Authority G.S. 136-18(5);*

*Eff. July 1, 1978;*

*Amended Eff. November 1, 1991; August 10, 1981;*

*Repealed Eff. November 1, 1993.*

#### 19A NCAC 02D .0421      INSTALLATION OF DRIVEWAY PIPE

(a) The Department of Transportation shall be responsible for the installation and costs of pipe lines in the drainage ditch along State-maintained roads and within State-maintained right-of-way or easement at entrances to private residential property where the pipe is furnished and delivered to the installation site by the property owner at the property owner's expense if the following requirements are met:

- (1) the opening of the side ditch is needed to provide drainage;
- (2) the pipe to be installed shall be restricted to a minimum inside diameter of 15 inches long and maximum inside diameter of 48 inches unless otherwise directed by the Department;
- (3) the minimum length of pipe to be installed shall be 20 feet with additional length as may be necessary to accommodate earth side slopes. The pipe shall not be lengthened for the purpose of eliminating typical side ditches;
- (4) the property does not already have ingress and egress;
- (5) the proposed location for the driveway entrance does not present safety hazards such as insufficient sight distance, proximity to other intersections, increased traffic congestion, poor roadway facility operations, decreased highway capacity, driver and pedestrian confusion, or other risks associated with vehicular traffic entering, leaving, and parking adjacent to accesses for residential property; and
- (6) the property is limited to farm entrances and property owned by the individual currently living on the property or owned by the individual proposing to use the property for residential purposes. This does not include property being developed for sale.

(b) "Commercial property" includes:

- (1) any property currently being used for commercial or industrial purposes;
- (2) property that is being developed for commercial or industrial purposes; and
- (3) property that is being developed for sale.

(c) The Department shall install pipe lines in the drainage ditch along the side of State-maintained roads and within State-maintained right-of-way or easements at entrances to commercial property when the pipe is furnished and delivered to the installation site by the property owner at the property owner's expense if the following requirements are met:

- (1) prior to installation, the property owner shall submit to the Department an application for installation of a commercial driveway pipe together with a payment

in the amount of ten dollars (\$10.00) per linear foot of pipe to be installed. The application shall contain the following:

- (A) description of the property location;
- (B) description of the property use;
- (C) acknowledgment that the driveway or street entrance shall be constructed and maintained in absolute conformance with the current "NCDOT Policy on Street and Driveway Access to North Carolina Highways;"
- (D) acknowledgment that no signs or objects shall be placed on or over the public right-of-way other than those approved by the Department;
- (E) acknowledgment that the driveway(s) or street(s) shall be constructed as shown on the attached plans;
- (F) acknowledgment that the driveway(s) or street(s) shall include any approach tapers, storage lanes, or speed change lanes as deemed necessary by the Department;
- (G) acknowledgment that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way shall be considered the property of the Department, and the property owner shall not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction;
- (H) acknowledgement that the permit shall become void if construction of driveway(s) or street(s) is not completed within the time specified by the NCDOT Policy on Street and Driveway Access to North Carolina Highways;
- (I) requirement that a fifty dollar (\$50.00) construction inspection fee be paid by the property owner to the Department, and reimbursed to the property owner by the Department if the application is denied;
- (J) acknowledgment that the construction and maintenance of the driveway(s) or street(s) shall be performed in a safe manner so as not to interfere with or endanger the traveling public.
- (K) acknowledgment that signage, signals, flaggers, and other warning devices shall be provided during construction and in conformance with the current Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD);
- (L) acknowledgment that the Department shall be indemnified and saved harmless from all damages and claims for damage that may arise by reason of construction;
- (M) requirement that the property owner shall provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system;
- (N) acknowledgment that the permit shall be granted subject to the regulatory powers of the Department as provided by law and as set forth in the NCDOT Policy on Street and Driveway Access to North Carolina Highways and shall not be construed as a contract access point;
- (O) requirement that the property owner shall notify the District Engineer when the proposed work has begun and is completed; and



- (P) signatures of the property owner, property owner's authorized agent, and their respective witnesses, and receipt and approval signatures of the Department.
  - (2) applications for commercial driveway permits shall be approved or denied in accordance with the engineering standards and guidelines provided in the NCDOT Policy on Street and Driveway Access to North Carolina Highways. This policy may be accessed at no cost to the public by visiting <https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Policy%20on%20Street%20and%20Driveway%20Access.pdf>; and
  - (3) prior to installation, the property owner shall have received an approved commercial driveway permit from the Department. In the event the permit application is denied, the Department shall return to the applicant the payment referenced in Subparagraph (c)(1) of this Rule.
- (d) The commercial property owner may elect to have driveway pipe installed by private contractors if the following requirements are met:
- (1) prior to installation, the property owner shall submit to the Department an application for installation of a commercial driveway pipe together with a payment of fifty dollars (\$50.00) to cover the cost of the inspection of the pipe installation by Department personnel;
  - (2) prior to installation, the property owner shall have received an approved commercial driveway permit from the Department. In the event the permit application is denied, the Department will return to the applicant the payment referenced in Subparagraph (d)(1) of this Rule;
  - (3) the workmanship, materials, and final installation shall be subject to approval by the Department's District Engineer in accordance with current Department of Transportation standards. In the event the pipe installation does not meet the approval of the District Engineer, the Department shall remove the pipe at the expense of the property owner; and
  - (4) signing, barricades, and other devices necessary to mitigate traffic at or adjacent to the installation site shall be provided by the property owner or contractor. Traffic mitigation shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways as as by the District Engineer.
- (e) Department installation of pipe shall include necessary excavation, complete pipe placement, and sufficient backfill to provide a pipe line and grade protection. The Department of Transportation is not obligated to construct a finished driveway.
- (f) The Department shall be responsible for the installation and costs of residential and commercial driveway pipe if the Department caused the need by relocating or revising the elevation of side ditches for the improvement of highway drainage.
- (g) See Rule .0102 of this Subchapter for provisions related to pipe size.

*History Note:* Authority G.S. 136-18(1); 136-30; 136-92; 136-93; 156-88;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; October 1, 1983;  
Readopted Eff. June 1, 2019.

## **19A NCAC 02D .0422      HANDBOOK OF DESIGN FOR HIGHWAY SURFACE DRAINAGE STRUCTURES**

*History Note: Authority G.S. 136-18(1); 136-92; 136-93; 150a-62; 159a-63(C); 156-88;  
Eff. July 1, 1978;  
Repealed Eff. April 3, 1981.*

## **19A NCAC 02D .0423      PLANTING ON CONTROLLED-ACCESS FACILITIES**

Requests to plant on full or partial access highways shall be submitted to the division engineer whose jurisdiction is the county where the planting is proposed.

*History Note: Authority G.S. 136-18(9); 136-89.50; 136-93;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02D .0424      PLANTING ON OTHER FACILITIES**

(a) On highways without any control of access, planting requests will be handled by one of three methods, as determined by the Division Engineer having jurisdiction in the county where the planting is proposed:

- (1) The requesting individual or organization can furnish funds for the plant materials with the Department of Transportation doing the planting and assuming maintenance of the planting.
- (2) The Department of Transportation can assume the project entirely, bearing the cost of plant materials as well as doing the planting and plant maintenance.
- (3) The proposal of the organization can be considered for inclusion in the highway planting program at a later date.

(b) Requests for plantings shall be directed to the appropriate division engineer.

*History Note: Authority G.S. 136-18(9); 136-89.50; 136-93;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02D .0425      FEDERAL DISASTER ASSISTANCE**

*History Note: Authority G.S. 136-4; 136-18; 143b-350; 150b-21.3a;  
Eff. October 1, 1991;  
Amended Eff. April 1, 1997; November 1, 1993;  
Repealed Eff. June 1, 2019.*

**19A NCAC 02D .0426      BRIDGE ON US 70 OVER BEAUFORT CHANNEL AT BEAUFORT**

**19A NCAC 02D .0427      BRIDGE ON NC 50 OVER INTERCOASTAL WATERWAY AT SURF CITY**

**19A NCAC 02D .0428      BRIDGE/US                      74/76                      OVER/INTERCOASTAL WATERWAY/WRIGHTSVILLE BEACH**

**19A NCAC 02D .0429      BRIDGE SR 1172 OVER INTERCOASTAL WATERWAY AT SUNSET BEACH**

*History Note: Authority G.S. 136-18(5);  
Eff. November 1, 1991;  
Amended Eff. November 1, 1993.*

**19A NCAC 02D .0501      GENERAL**

The rules in this Section apply only for the transportation via the State of North Carolina ferry system of individual passengers and their hand baggage as defined in Rule .0504 of this Section, vehicles under their own power and vehicles not under their own power but under tow of a vehicle under its own power, and bicycles.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

**19A NCAC 02D .0502      TICKET CONDITIONS**

Transportation furnished on any ticket sold or honored by the carrier will be subject to the rules set forth in this Section and any additional requirements are specifically provided on such tickets.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

**19A NCAC 02D .0503      CARRIER**

When the term "carrier" is used in in this Section, it refers to the North Carolina Department of Transportation; the Division of Highways; and the Ferry Division.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0504      HAND BAGGAGE**

The term "hand baggage" as used herein means the baggage, personal effects or other property of passengers taking passage on carrier's vessels. Such hand baggage or other property will be only in such amounts as foot passengers can individually handle on and off vessels themselves.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0505      NOTICE OF CANCELLATION**

Carrier may deviate from or cancel sailing schedules without notice when in its opinion scheduled operation is impractical or unsafe because of circumstances or conditions beyond its control. In either event, carrier assumes no liability for loss, damage, or expense to patrons which may result therefrom.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0506      COMPLETION OF VOYAGE**

If, through failure, act of God, or other misfortune, carrier's vessel fails to complete her voyage, neither the master of the vessel nor the carrier shall be under any obligation to forward passengers or vehicles to their original destination, nor to refund all or any part of any tolls paid; which shall be deemed as earned.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0507      SUBSTITUTE VESSELS**

Carrier reserves the right to substitute one vessel for another over any of the routes operated without any liability to patrons.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0508      DEFINITION OF LANDING**

Passengers or vehicles shall be deemed landed:

- (1) upon arrival of vessels at port of designated destination;
- (2) when landed at any other port because of failure, act of God, or other misfortune to vessel;
- (3) when voyage is abandoned for any cause and vessel returns to port of embarkation.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0509      RESPONSIBILITY OF VESSEL MASTER**

When in the master's opinion safe landing cannot be made upon arrival of the vessel at a designated port of destination, it may be landed at another port at which safe landing can be made.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0510      MEDICAL CARE**

Carrier shall neither furnish nor be liable for medical care or surgical treatment of passengers or other persons while on its terminal property. Carrier shall not be liable for the quality, nature or consequence of any medical or surgical treatment which may be administered to passengers on carrier's vessels.

Note: Refer also to G.S. 20-166 (Good Samaritan Law) and to 143-291.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02D .0511      LIABILITY LIMITATIONS**

Unless it is shown that a negligent act of an officer, employee, or agent of the state while acting in the scope of his office, service agency or authority was the sole proximate cause of any injury, loss, or damage, carrier shall not be liable for any injury, loss, or damage that shall result from an act of God, public enemy, restraint of rulers, quarantine, peril of the sea or other waters, latent defect in hull, boilers, propellers, piping, shafting, or machinery; or for injury, loss or damage that shall result from collision, stranding, fire, sanitary regulation or operation, explosion, accident to or breakdown of machinery, or of any propelling appliances, or accident, or navigation; or for any personal injury to passenger; or loss or damage to passengers' baggage or other property.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

### **19A NCAC 02D .0512      PERSONAL PROPERTY**

Carrier will not assume any responsibility or liability for articles left on board its vessels or at its terminals by passengers; or for articles left in vehicles while in transit, or at terminals.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

### **19A NCAC 02D .0513      THEFT**

Under no circumstances will the carrier be liable for theft from the person or baggage of a passenger or pilferage or theft from any vehicle on carrier's vessels or terminals.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

### **19A NCAC 02D .0514      BAGGAGE**

The handling of baggage by carrier will be as an accommodation only to the passenger. Carrier will not be liable for damage to or loss of such baggage whether by its negligence or otherwise.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public*  
                         *interest Eff. September 6, 2016.*

### **19A NCAC 02D .0515      LOSS CLAIMS**

All claims for loss or injury to person or property must be presented in accordance with the provisions of the Tort Claims Act (Article 31 of Chapter 143 of the North Carolina General Statutes).

*History Note:*      Authority G.S. 136-82; 143-291; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02D .0516      INSURANCE BENEFIT**

In case of any loss or damage for which the carrier shall be liable, the carrier shall, to the extent of such liability, have the full benefit of any insurance that may have been effected by the owner upon the goods lost or damaged, notwithstanding any underwriter is not obligated to make such payment.

*History Note:*      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02D .0517      RIGHT TO REFUSE TRANSPORT; PERSONS**

Carrier may refuse to transport a person who is apparently under the influence of intoxicating liquor or drugs or who is incapable of taking care of himself, or whose conduct makes him objectionable or dangerous to other passengers or liable to become so. This rule does not apply to persons who are ill and are accompanied by an attendant or nurse.

*History Note:*      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02D .0518      COMPLIANCE WITH RULES AND REGULATIONS**

Carrier also may refuse to transport a person who refuses to abide by its rules or those of the U. S. Coast Guard, pertaining to the safe and efficient operation of vessels, terminals, and traffic.

*History Note:*      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0519      RIGHT TO REFUSE TRANSPORT: CARGO**

Carrier may refuse any and all articles loaded in or on vehicles or vehicles which in its opinion will jeopardize the safe operation of the vessel, or which carrier is not equipped to handle. Carrier may refuse to transport vehicles containing offensive or ill-smelling cargo and liquid or semi-liquid commodities when not in tightly enclosed containers or tanks, precluding possibility of escaping odors or leakage from such vehicles. Dangerous articles prohibited by law will not be transported including those hazardous cargos regulated by the U.S. Coast Guard.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. December 1, 1993; November 1, 1991;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

#### **19A NCAC 02D .0520      BRAKES**

Drivers of all vehicles shall set emergency brakes and engage parking gear on all vehicles having same before leaving the vehicles. Drivers of all mechanically powered vehicles shall shut off engines, after being directed to their designated parking areas.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. December 1, 1993; November 1, 1991;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

#### **19A NCAC 02D .0521      OPERATION OF VEHICLE BY CARRIER EMPLOYEES**

Carrier's employees are not permitted to drive power vehicles or wheeled machinery on or off vessels. When the owner or shipper, or his agent is unable to promptly drive such vehicles on and off vessels, carrier will refuse to transport same. Tracked construction equipment or other such power vehicles (except on rubber tired wheels) will not be accepted for movement except when loaded on trucks or trailers in tow of vehicles under their own power.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. December 1, 1993;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*



#### **19A NCAC 02D .0522      INOPERATIVE VEHICLES**

(a) Vehicles, without drivers, or with dead motors or otherwise inoperative, with or without drivers, will not be accepted by carrier for transportation. The provisions of this paragraph do not apply to such vehicles in tow of other vehicles under their own power.

(b) Trailers not under tow of vehicles under own power will not be accepted for transportation.

(c) If because of dead batteries, flat tires or other physical disability, a motor vehicle cannot be discharged from vessel under its own power and it is necessary for the carrier to obtain towing service to discharge the vehicle, charge for the service will be the liability of the disabled vehicle and must be paid directly to the towing service company by the vehicle owner.

(d) If towing service is not available and carrier undertakes to assist in the discharge of the vehicle by its employees with or without mechanical devices, the carrier will not be liable upon any claim for loss or damage to the vehicle.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0523      LIVESTOCK**

Livestock will be transported only at carrier's convenience and only in adequate motor vehicle equipment. Rates to be charged are those applicable on trailers, trucks, truck and trailer combinations or truck tractor and semi-trailer combinations as specified in Rule .0532 of this Section. Carrier will assume no liability for livestock while on vessels or at terminals. Vehicles transporting livestock must be properly enclosed to prevent spillage of animal waste or otherwise creating unpleasant or offensive environment on vessels.

*History Note:      Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0524      DOGS, AND OTHER HOUSEHOLD PETS AND WILD ANIMALS**

(a) Dogs and household pets may accompany passengers and will be carried on vessels subject to the following conditions:

- (1) Dogs, cats, kittens, and small pet birds will be transported without charge when accompanied by passengers on foot or in vehicles. Such animals will be transported entirely at risk of the owner who shall take care of and safe-guard them while on vessels or at terminals.
- (2) Such animals must be held secure by leash, crate, cage, or otherwise adequately restrained, as the case may require.
- (3) Such animals shall not be permitted in passenger accommodations, but only on car deck under short leash and in custody of responsible person. Carrier, however,

may require that they be carried in certain places as designated by the master, whenever, in his judgement, such a course is necessary for the safety and convenience of the passengers.

(b) Wild animals must, at all times, be securely crated or caged so as to preclude contact by passengers.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0525 NO LIABILITY ASSUMED BY CARRIER**

No liability will be assumed by the carrier in the transportation of household pets, or wild animals.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0526 BABY CARRIAGES**

Baby carriages, strollers, and similar articles will be carried without charge, when space is available. The person accompanying the baby carriage, stroller, or similar article must place same where directed by the master. The carrier will not assume any responsibility or liability for these articles while in transit or at its terminals.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0527 CORPSES**

Corpses will be transported in vehicles only.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0528      EXCESS HAND BAGGAGE**

(a) The transportation of hand baggage or other property defined in Rule .0504 of this Subchapter of foot passengers in excess of such amounts must be arranged for by the passengers via available common carrier freight or express service.

(b) Carrier does not maintain a checked baggage service, and its employees are not available to assist foot passengers with the loading and unloading of baggage.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

#### **19A NCAC 02D .0529      BAGGAGE IN VEHICLES**

Passengers in vehicles may carry baggage or other property in such amounts as can be loaded in or securely fastened on vehicles.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

#### **19A NCAC 02D .0530      RIGHT TO REFUSE**

(a) Carrier may refuse any and all articles of baggage or other property which in the opinion of the carrier's agent or master of the vessel will, or may, jeopardize the vessel's safe operation or which the carrier is not equipped to handle. Dangerous articles prohibited by law will not be carried.

(b) Carrier's liability for the loss or damage to baggage, personal effects, or other property will be limited to that provided in Rules .0510 thru .0514 of this Subchapter.

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. December 1, 1993;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

#### **19A NCAC 02D .0531      FREE OPERATIONS**

*History Note:*      *Authority G.S. 136-82; 143B-10(j);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. July 7, 2014; March 1, 2004; April 1, 2003; August 1, 2002;*  
                         *November 1, 1991; May 1, 1983;*  
                         *Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*

## **19A NCAC 02D .0532 TOLL OPERATIONS**

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. July 7, 2014; March 1, 2004; April 1, 2003; August 1, 2002;  
November 1, 1991; May 1, 1983;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

## **19A NCAC 02D .0533 TICKET LIMITS**

Tickets are valid only on the date of purchase and for the trip number indicated.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

## **19A NCAC 02D .0534 REDEMPTION OF TICKETS**

Upon presentation by the lawful holder thereof, unused tickets will be redeemed upon the following terms provided such ticket is so presented for redemption within 30 days after the date of sale:

- (1) Unused tickets will be redeemed at the purchase price.
- (2) Altered or mutilated tickets will not be honored for passage.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

## **19A NCAC 02D .0535 FERRY RESERVATIONS**

(a) Reservations for space shall only be available for the Cedar Island-Ocracoke, Swan Quarter-Ocracoke, and Passenger Ferry from Hatteras-Ocracoke ferry operations. All other operations are on a "first come-first served" basis.

(b) Reservations shall be made by in person at the ferry terminal, online at <https://ferry.ncdot.gov> or by telephone as follows:

- (1) For the main reservation line, call: (800) 293-3779.
- (2) For departures from Ocracoke, call: (252) 996-6201.
- (3) For departures from Cedar Island, call: (252) 463-7046.
- (4) For departures from Swan Quarter, call: (252) 791-3302.
- (5) Office hours shall be from 6:00 am until 5:00 pm, year-round.

- (c) Reservations may be made any time within 90 days of the departure date and shall not be transferable. Name of the driver and vehicle license number shall be required. A credit or debit card shall be required for advance reservations to secure passage and space aboard a ferry vessel. It shall not be required that the credit or debit card be in the name of the driver.
- (d) Reservations shall be claimed at least 30 minutes prior to the scheduled departure. Reservations not claimed prior to this time shall be cancelled and the space reassigned.
- (e) Vehicles shall remain in the staging area once ticketed, and until boarding begins.
- (f) In case of departure cancellation due to mechanical failure, inclement weather, or other unavoidable causes, the customer may reschedule the reservation for either the earliest possible departure or for another time convenient for the customer.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Readopted Eff. June 1, 2019.

#### **19A NCAC 02D .0536 MAIL TRUCKS**

Mail trucks may be granted priority privileges for loading on all system ferries.

*History Note:* Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

#### **19A NCAC 02D .0537 FERRY SCHEDULES**

Ferry schedules are available on the Official North Carolina Highway Map, from the Ferry Operations Office in Morehead City, (919) 726-6446, or on signs posted at strategic locations along ferry terminal approach highways or at the ferry terminal.

*History Note:* Authority G.S. 136-82;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

## **19A NCAC 02D .0538      VEHICLE WEIGHT LIMITATIONS**

(a) Maximum weights permissible for 150-foot Hatteras Class ferries are as follows:

- (1) 2 axles plus front steer axle with standard load and length of 35 feet: 40,000 lbs.;
- (2) 3 axles plus front steer axle with standard load and length of 40 feet: 60,000 lbs.;
- (3) 4 axles plus front steer axle with standard load and length of 65 feet: 80,000 lbs.; and
- (4) 5 axles plus front steer axle with standard load and length of 65 feet: 80,000 lbs.

(b) Maximum weights permissible for 180-foot River Class, and 220-foot Sound Class ferries are as follows:

- (1) 2 axles plus front steer axle with standard load and length of 35 feet: 40,000 lbs.;
- (2) 3 axles plus front steer axle with standard load and length of 40 feet: 60,000 lbs.;
- (3) 4 axles plus front steer axle with standard load and length of 65 feet: 80,000 lbs.;
- (4) 5 axles plus front steer axle with standard load and length of 65 feet: 92,000 lbs.;
- (5) 6 axles plus front steer axle with heavy load or extra-long lowboy: 108,000 lbs.; and
- (6) 7 axles plus front steer axles with heavy load or extra-long lowboy: 120,000 lbs.

*History Note: Authority G.S. 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Readopted Eff. June 1, 2019.*

## **19A NCAC 02D .0539      VEHICLE PHYSICAL DIMENSION LIMITATIONS**

(a) Maximum physical dimensions shall be 65 feet in length, 12 feet in width, and 13.5 feet in height for vehicles on each of the following ferry vessels:

- (1) Silver Lake;
- (2) Cedar Island;
- (3) Carteret;
- (4) Swan Quarter;
- (5) Sea Level;
- (6) Governor Daniel Russel;
- (7) Southport;
- (8) Neuse;
- (9) Lupton;
- (10) Fort Fisher;
- (11) W. Stanford White;
- (12) Croatoan;

- (13) Hatteras;
- (14) Kinnakeet;
- (15) Frisco;
- (16) Chicamacomico;
- (17) Cape Point;
- (18) Ocracoke;
- (19) Roanoke;
- (20) Thomas A. Baum, out-of-service effective September 2020;
- (21) Governor James Baxter Hunt, Jr.;
- (22) Rodanthe, in-service effective March 2019;
- (23) Avon, in-service effective March 2020; and
- (24) Salvo, in-service effective August 2020.

(b) Vehicles having overall dimensions requiring an Oversized/Overweight Permit, pursuant to Section .0600 of this Subchapter, shall carry that permit within the vehicle; otherwise, loading aboard a ferry vessel shall not be permitted.

*History Note:* Authority G.S. 20-119; 136-82; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;  
Readopted Eff. June 1, 2019.

#### **19A NCAC 02D .0601 PERMIT APPLICATION AND ADMINISTRATION**

(a) The Chief Engineer's office shall be responsible for issuing oversize/overweight permits as provided by this Section.

(b) House move permit applications shall be submitted to the Department division and district offices. The Department's division and district offices shall approve or deny house move permit applications based on safety considerations after reviewing the route of travel and dimensions of the structure to be moved. House move permit applications shall be submitted at least two working days prior to the anticipated date of movement. House move permit applications shall contain the following information:

- (1) applicant's name and contact information;
- (2) housemover license and truck license numbers;
- (3) registered weight, serial number, and number of axles;
- (4) description of the load dimensions
- (5) extreme axle measurements, axle weights, and spacings;
- (6) house construction descriptions
- (7) requested route of travel descriptions; and
- (8) travel plan and anticipated use of escort vehicle.

(c) Superload permits shall be required for the movement of a vehicle and vehicle combination with a gross weight of 132,000 pounds or more; width of 15 feet or more; a mobile or modular unit with a width of 16 feet and a gutter edge of 3 inches; and a width of 16 feet and 11 inches, unless the permit is for house moves in accordance with Paragraph (b) of this Rule. Applicants for Superload permits shall submit a written application, the fee specified in G.S. 20-119(b), and documentation of any variance to the Central Permit Office at least 10 business days prior to the

anticipated date of movement. Superload permits applications shall contain the following information:

- (1) applicant's name and contact information;
  - (2) truck and trailer license information and VIN number;
  - (3) gross weight, registered weight, extreme wheelbase measurements, and number of axles;
  - (4) description of the load dimensions; and
  - (5) description of axle spacings and weight.
- (d) Applicants shall submit a written application, the fee specified in G.S. 20-119(b), and documentation of variances to the Central Permit Office at least two business days prior to the anticipated date of movement of a vehicle or vehicle combination of a height greater than 14 feet, but not equal to or greater than 15 feet.
- (e) The issuance of any permit shall not imply nor guarantee the vertical clearance of the permitted load and the permittee shall be responsible for ensuring all vertical clearances prior to movement.
- (f) The Department shall accept certified check, money order, company check, or credit card in consideration for the fees specified in G.S. 20-119(b). No personal checks shall be accepted.

*History Note:* Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; October 1, 1991;  
Temporary Amendment Eff. January 10, 2002; October 1, 2000;  
Amended Eff. December 1, 2012; April 1, 2009; August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016;  
Amended Eff. July 1, 2019.

## **19A NCAC 02D .0602 PERMITS -- ISSUANCE REQUIREMENTS**

- (a) The following are general issuance requirements for oversize/overweight permits.
- (1) Permits shall be issued by the Department. The maximum weight permitted on a designated route shall be determined by the bridge capacity of the bridges to be crossed during movement. Movements exceeding weight limits for highways or bridge structures shall be denied if considered by the Department to be unsafe or if the movement may cause damage to the highway or bridge structures. If the Department determines that the permitted movement may cause damage to the highway, bridge structures, or any other State property, the permittee shall be required to obtain a surety bond to cover the estimated cost of damages. A permit issued by the Department shall not be valid for travel over municipal streets, defined as streets or highways not maintained by the State of North Carolina.
  - (2) Prior to applying for an oversize/overweight permit, the applicant shall be responsible for reducing and loading the item, commodity, or combinations thereof to the least possible dimensions and weight. Permits may be issued in accordance with this Section for movements of items or commodities that cannot be loaded, divided, dismantled, or disassembled to meet legal requirements.



- (3) One item or commodity shall qualify for overweight considerations. Multiple items or commodities shall not qualify for an overweight permit.
- (4) One item or commodity or multiple items or commodities loaded in-line shall qualify for overwidth considerations. If loaded side-by-side, multiple items or commodities shall not exceed eight feet, six inches in width.
- (5) One item or commodity of continuous length shall qualify for overlength considerations. The maximum length for a vehicle or vehicle combination shall be 105 feet. Approval may be given by the Central Permit Office for permitted loads in excess of 105 feet after review of the geographic route of travel, consideration of local construction projects, and evaluation of the other dimensions of the load.
- (6) One item or commodity shall qualify for overheight considerations. If piled or stacked, multiple items or commodities shall not exceed 13 feet, 6 inches.

(b) Annual Trip Permits

- (1) Annual permits shall be valid for 12 months from the effective date of the permit. Annual trip permits shall require an escort for vehicle and vehicle combinations that exceed 12 feet in width.
- (2) Annual permits may be issued for unlimited movement on all North Carolina highways, as permitted by the posted road and bridge limits, and without the requirement of an escort for the following:
  - (A) vehicle and vehicle combinations transporting non-divisible commodities;
  - (B) vehicle and vehicle combinations transporting a non-divisible commodity with a minimum extreme wheelbase of 51 feet;
  - (C) self-propelled equipment with four or five axles; and
  - (D) non-property hauling vehicles with permanently attached equipment, a minimum wheel base of 30 feet, the capability of traveling at highway speeds of 45 miles per hour, the operational purpose of traveling to and from a non-highway job, and a special mobile equipment license issued by the Division of Motor Vehicles.
- (3) Dimensions for vehicle and vehicle combination permits issued pursuant to Subparagraph 2 of this Paragraph shall not exceed:
  - (A) a width of 12 feet;
  - (B) a height of 13 feet, 6 inches; and
  - (C) a length of 105 feet.
  - (D) Part (2)(A) within this Paragraph shall not exceed the length as set forth in G.S. 20-115.1(b) and G.S. 20-116(e), and gross weights and axle weights as set forth in G.S. 20-118(b)(1)(2)(3).
  - (E) Parts (2)(B), (C), and (D) within this Paragraph shall not exceed a gross weight of 90,000 pounds, and axle weights of 20,000 pounds for steer axle, 25,000 pounds for single axle, 50,000 pounds for tandem axle, 60,000 pounds for tridem axle, and 68,000 pounds for axle groupings of four or more.
- (4) Annual permits may be issued for unlimited movement on all North Carolina highways, as permitted by the posted road and bridge limits, and with the requirement of an escort for vehicles and vehicle combinations transporting farm

equipment. Dimensions for vehicle and vehicle combination permits issued pursuant to this Subparagraph shall not exceed:

- (A) a width of 14 feet;
- (B) a height of 13 feet, 6 inches; and
- (C) a weight as set forth in G.S. 20-118(b)(3).

- (5) Annual permits may be issued with the requirement of an escort for mobile or modular homes if transported from a manufacturer to a North Carolina mobile or modular home dealership, or if transported from a North Carolina licensed mobile or modular home retail dealer to the transporter for the delivery of mobile or modular homes. Permitted mobile or modular homes shall be authorized to travel on designated routes approved by the Department considering construction work zones, highway lane widths, origin and destination, and other factors to ensure safe movement. Dimensions for vehicle and vehicle combination permits issued under this subparagraph shall not exceed:

- (A) a width of 14 feet;
- (B) a roof overhang of 12 inches, unless the unit width shall be 16 feet, in which case the gutter edge shall not exceed 3 inches;
- (C) a height of 13 feet, 6 inches; and
- (D) a weight as set forth in G.S. 20-118(b)(3).

(c) Single Trip Permits

- (1) Single trip permits shall be issued to the registered owner of the vehicle and valid for 10 calendar days for a single, one-way trip. Single trip permit applications shall include the exact origin, route, and exact destination, including applicable county and state road numbers and routes. A return trip shall only be considered for a single trip permit if the return trip is requested within the original permit application. No single trip permit shall be issued for a time period that exceeds 30 days.
- (2) Single trip permits for vehicle and vehicle combinations with non-divisible overwidth loads are limited to a maximum width of 15 feet and the conditions specified in this Rule.
- (3) Single trip permits shall not be restricted by overall length limitations, except the total combination length of mobile homes shall not exceed 105 feet.
- (4) Single trip permits shall not authorize a vehicle or vehicle combination height in excess of the vertical clearances on the authorized route.

(d) Non-divisible Loads

- (1) The maximum single trip and annual permit weight allowed for a vehicle or vehicle combination, not including off-highway construction equipment, shall be:
  - (A) 20,000 pounds for steer axles;
  - (B) 25,000 pounds for single axles;
  - (C) 50,000 pounds for tandem axles;
  - (D) 60,000 pounds for tridem axles;
  - (E) 68,000 pounds for axle groupings of four or more; and
  - (F) an engineering study is required for axle groupings of five or more that exceed 68,000 pounds.
- (2) The maximum single trip and annual permit gross weight allowed for a vehicle or vehicle combination, not including off-highway construction equipment, shall be:

- (A) 70,000 pounds for a three-axle single vehicle;
  - (B) 90,000 pounds for a four-axle single vehicle;
  - (C) 94,500 pounds for a five-axle single vehicle;
  - (D) 112,000 pounds for a five-axle vehicle combination;
  - (E) 108,000 pounds for a six-axle single vehicle;
  - (F) 120,000 pounds for a six-axle vehicle combination;
  - (G) 122,000 pounds for a seven-axle single vehicle;
  - (H) 132,000 pounds for a seven-axle vehicle combination; and
  - (I) determined upon the completion of an engineering study for axle-vehicle combinations of 7 or more if their gross weight exceeds 132,000 pounds.
- (3) The maximum permit weight allowed for self-propelled off-highway construction equipment with low pressure or low flotation tires shall be:
- (A) 37,000 pounds for a single-axle vehicle; and
  - (B) 50,000 pounds for a tandem-axle vehicle;
- (4) The maximum permit gross weight allowed for self-propelled off-highway construction equipment with low pressure or low flotation tires shall be:
- (A) 70,000 pounds for a two-axle single vehicle;
  - (B) 80,000 pounds for a three-axle single vehicle; and
  - (C) 90,000 pounds for a four-axle single vehicle.
- (5) An overweight permit with a specified route shall be available for a vehicle combination consisting of a power unit and trailer hauling a sealed ship container. No permit shall be issued in accordance with this Subparagraph unless the vehicle combination shall be:
- (A) traveling to or from a designated seaport, whether in-state or out-of-state;
  - (B) transported by marine shipment;
  - (C) licensed for the maximum allowable weight for the 51-foot extreme wheelbase measurement as specified in G.S. 20-118;
  - (D) equal to or less than the maximum width, height, and length dimensions as specified in G.S. 20-116;
  - (E) a vehicle combination with at least five axles; and
  - (F) in possession of and able to furnish for inspection the documentation of the sealed commodity being transported.
- (e) Superload Permits
- (1) Superload permits shall be available for vehicle or vehicle combinations with axles or axle groupings that exceed the weight limitations provided by this Rule, a gross weight that exceeds 132,000 pounds, or a maximum width in excess of 15 feet. The Chief Engineer or the Chief Engineer's designee may authorize the issuance of a superload permit after analysis of the proposed load and evaluation of the proposed route of travel.
  - (2) Superload permits shall be issued to the registered owner of the vehicle and valid for 10 calendar days for a single, one-way trip. Superload permit applications shall include the exact origin, route, and exact destination, including applicable county and state road numbers or routes. A separate permit application shall be required for return trips.
- (f) Houses

- (1) Applications for permits to move buildings or structures in excess of 15 feet in width shall be made by a licensed housemover. Housemover license applications and supporting documentation are issued and renewed by the Central Permit Office. Please see 19A NCAC 02D .0601 for information on Housemover permits.
  - (2) An individual shall not be required to acquire a housemover license prior to applying for a permit if the power unit and building is owned by the permittee and the movement is from property individually owned by the permittee.
- (g) Mobile or Modular Homes
- (1) Mobile or modular home units shall not exceed a length of 76 feet and the total vehicle combination length shall not exceed 105 feet.
  - (2) A 14-foot-wide mobile or modular home unit may be transported with a bay window, room extension, or porch if the protrusion does not extend beyond the maximum roof overhang of 12 inches or the total width of overhang on the applicable side of the home. An extender shall be placed on the front and rear of the mobile or modular home with a length to extend horizontally equal to but not beyond the outermost edge of the mobile or modular home's extension. The extenders shall have retro-reflective sheeting, sized at a minimum of 4 inches, that shall be Type III high intensity, encapsulated lens, or Type IV-high performance, prismatic, with alternating fluorescent yellow and black diagonal stripes that slope towards the outside of the home with a minimum area of 288 square inches. The bottom of the extenders shall be 6 feet to 8 feet above the road surface. The top of each extender shall have mounted a 5-inch, amber-colored, flashing beacon.
  - (3) The North Carolina licensed mobile or modular home retail dealer shall maintain records of all mobile or modular units moved by authority of an annual permit for a minimum of four years from the date of movement. The records shall be available for inspection and audit by any officer, employee, or contractor of the North Carolina Division of Motor Vehicles. Failure to comply with any requirement shall be grounds for denying, suspending, or revoking Manufacturer's License, Dealer's License, and any North Carolina oversize/overweight permit privileges.

*History Note:* Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346;  
Eff. July 1, 1978;  
Amended Eff. December 29, 1993; October 1, 1991; April 1, 1984; April 11, 1980;  
Filed as a Temporary Rule Eff. October 1, 2000;  
Amended Eff. August 1, 2002;  
Readopted Eff. July 1, 2019.

<b><u>19A NCAC 02D .0603</u></b>	<b><u>ISSUING OFFICES AND PROCEDURES</u></b>
<b><u>19A NCAC 02D .0604</u></b>	<b><u>APPLICATIONS FOR A PERMIT</u></b>
<b><u>19A NCAC 02D .0605</u></b>	<b><u>PERMITS</u></b>
<b><u>19A NCAC 02D .0606</u></b>	<b><u>LEGAL WEIGHTS AND DIMENSIONS</u></b>

*History Note: Authority G.S. 20-116; 20-118; 20-119; 136-18(5);  
 Eff. July 1, 1978;  
 Amended Eff. October 1, 1990; September 1, 1990;  
 April 1, 1984; April 11, 1980;  
 Repealed Eff. October 1, 1991.*

## **19A NCAC 02D .0607 PERMITS – MOVEMENT AND TRAVEL REQUIREMENTS**

(a) All vehicles and vehicle combinations described in 19A NCAC 02D .0601 and .0602 shall adhere to the following movement requirements.

- (1) Unless otherwise authorized or restricted by this Rule, movement shall be made between sunrise and sunset. Movement of 16-foot wide mobile or modular home units with a maximum of 3-inch gutter edge shall be permitted Monday through Saturday from 9:00 am to 2:30 pm. Movement of 16-foot wide mobile or modular home unit with a maximum 3-inch gutter edge may occur after 2:30 pm, but not beyond sunset, if the unit is traveling on an approved route as determined by an engineering study, and exported out-of-state. Sunday travel may be authorized from sunrise to sunset after consideration of the vehicle or vehicle combination dimensions. Considerations of safety and traffic flow may require the issuing office to impose additional time restrictions or allowances.
- (2) No movement shall be permitted for a vehicle or vehicle combination after 12:00 p.m. on the weekday preceding and until 12:00 p.m. on the weekday following Independence Day, Thanksgiving Day, and Christmas Day. If Independence Day, Thanksgiving Day, or Christmas Day fall on a Saturday or Sunday, travel is restricted from 12:00 p.m. on the preceding Friday until 12:00 p.m. on the following Monday.
- (3) Continuous travel occurring 24 hours a day, each day per year, shall not be authorized for vehicle or vehicle combinations with a gross weight in excess of 112,000 pounds. Self-propelled equipment shall be authorized for continuous travel if the overhang is less than 10 feet in length and meets all other requirements of this Subparagraph. The overhang shall be marked on both sides and end with high-intensity, glass-bead, retro-reflective sheeting tape. Each side of the selfpropelled equipment shall be marked 24 inches from the road surface at the nearest feasible center point, between the steer and drive axles. The sheeting tape shall be 2 inches by 12 inches. Any rear overhang shall display a mounted brake light and flashing amber light, 8 inches in diameter with a minimum candlepower of 800 watts.
- (4) Permitted vehicles owned or leased by the same company or permitted vehicles originating at the same location shall travel no less than two miles apart. Convoy travel shall not be authorized except as directed by law enforcement escort or permit office.
- (5) Blades of construction equipment and front-end loader buckets shall not extend more than 14 feet across the roadway. A blade, bucket, or other attachment that is an original part of the manufactured equipment may be removed and hauled with the equipment without being considered a divisible load.

(6) Permitted vehicle or vehicle combination movements shall not travel at a speed in excess of the posted speed limit. The issuing office shall be permitted to impose speed restrictions below the posted speed limit considering safety and load. A towing unit and mobile or modular home combination shall not exceed a maximum speed of 60 miles per hour. The driver of the permitted vehicle shall avoid creating traffic congestion by relinquishing the traffic way when a buildup of traffic occurs.

(7) The object to be transported shall not be loaded or parked on the highway right of way without permission from the office that originally issued the permit and after confirmation of an emergency condition, such as mechanical problems or weather events.

(8) No movements shall be made when visibility is less than 500 feet. Moves shall not be made when travel conditions are considered unsafe by the Division of Highways, State Highway Patrol, or other law enforcement officers having jurisdiction. Movement of a mobile or modular unit that exceed a width of 10 feet shall be prohibited if wind speed gusts are in excess of 25 miles per hour.

(9) The mover shall be responsible for any expenses, arrangements, or approvals associated with removing or replacing any obstructions, including traffic signals, signs, and utility lines. Trees, shrubs, or State signs shall not be cut, trimmed, or removed without approval from the Division of Highways District Engineer having jurisdiction over the area involved. In determining whether to grant approval for cutting or trimming trees or shrubs, the District Engineer shall consider the species, age, and appearance of the tree or shrub in question and its contribution to the aesthetics of the area.

(b) Movement of all vehicles and vehicle combinations subject to this Section shall adhere to the following safety requirements.

(1) A yellow banner measuring a total length of 7 feet x 18 inches high bearing the legend "Oversize Load" in 10-inch black letters 1.5-inch-wide brush stroke shall be displayed in one or two pieces totaling the required length on the front and rear bumpers of a permitted vehicle and vehicle combination with a width greater than 10 feet. A towing unit mobile or modular home combination shall display banners of the size specified bearing the legend "Oversize ----- feet Load" identifying the actual width of the unit in transport. Escort vehicles shall display banners as specified in this Subparagraph with the exception of length to extend the entire width of the bumpers.

(2) Red or orange flags measuring 18 inches square shall be displayed on all sides at the widest point of load for all loads in excess of 8 feet 6 inches wide, but the flags shall be mounted so as not to increase the overall width of the load.

(3) All permitted vehicles and vehicle combinations shall be equipped with tires, axels and brakes in accordance with North Carolina Statutes and Motor Carrier and Housing and Urban Development (HUD) regulations.

(4) Rear view mirrors and other safety devices on towing units attached for movement of overwidth loads shall be removed or retracted to conform with legal width when unit is not towing or hauling such vehicle or load.

(5) Flashing amber lights shall be used as determined by the issuing permit office.

*History Note: Authority G.S. 20-116; 20-118; 20-119; 136-18(5);*

*Eff. July 1, 1978;*

*Amended Eff. October 1, 1994; December 29, 1993; October 1, 1991; October 1, 1990;*

*Temporary Amendment Eff. January 10, 2002; December 31, 2000; October 1, 2000;*  
*Amended Eff. August 1, 2012; June 1, 2010; April 1, 2009; August 1, 2002;*  
*Readopted Eff. July 1, 2019.*

**19A NCAC 02D .0608      LENGTH**  
**19A NCAC 02D .0609      HEIGHT**  
**19A NCAC 02D .0610      WEIGHT**  
**19A NCAC 02D .0611      TIME LIMIT**

*History Note: Authority G.S. 20-116; 20-119; 136-18(5); Board of Transportation Minutes for February 16, 1977 and November 10, 1978;*  
*Eff. July 1, 1978;*  
*Amended Eff. September 1, 1990; October 1, 1987; April 1, 1984; February 1, 1983;*  
*Repealed Eff. October 1, 1991.*

**19A NCAC 02D .0612      PERMITS – HOUSE MOVES**

*History Note: Authority G.S. 20-119; 20-360; 136-18(5); 150B-21.3A;*  
*Eff. July 1, 1978;*  
*Amended Eff. November 1, 1993; October 1, 1991; April 1, 1984; January 1, 1979;*  
*Filed as a Temporary Rule Eff. October 1, 2000;*  
*Amended Eff. August 1, 2002;*  
*Repealed Eff. July 1, 2019.*

**19A NCAC 02D .0613      TIME AND SAFETY REQUIREMENTS – BUILDING MOVES**  
**19A NCAC 02D .0614      SIZE AND WEIGHT – BUILDING MOVES**  
**19A NCAC 02D .0615      ESTIMATE OF GROSS WEIGHT – BUILDINGS**

*History Note: Authority G.S. 20-119; 136-18(5);*  
*Eff. July 1, 1978;*  
*Amended Eff. April 11, 1980;*  
*Repealed Eff. October 1, 1991.*

**19A NCAC 02D .0616      DISTANCE LIMITATIONS – BUILDING MOVES**

*History Note: Authority G.S. 20-119; 136-18(5);*  
*Eff. July 1, 1978;*  
*Repealed Eff. January 1, 1979.*

## **19A NCAC 02D .0617          REMOVAL OF OBSTRUCTIONS – BUILDING MOVES**

*History Note: Authority G.S. 20-119; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. October 1, 1991.*

## **19A NCAC 02D .0618          INDEMNITY – BUILDING MOVES**

*History Note: Authority G.S. 20-119; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. January 1, 1979;  
Repealed Eff. November 1, 1993.*

<b><u>19A NCAC 02D .0619</u></b>	<b><u>LIMITATIONS - BUILDING MOVES</u></b>
<b><u>19A NCAC 02D .0620</u></b>	<b><u>REQUIRING OF ESCORT VEHICLE</u></b>
<b><u>19A NCAC 02D .0621</u></b>	<b><u>POSITION OF ESCORT VEHICLES</u></b>
<b><u>19A NCAC 02D .0622</u></b>	<b><u>ESCORT OF VEHICLE REQUIREMENTS</u></b>
<b><u>19A NCAC 02D .0623</u></b>	<b><u>SLOW SPEED: ESCORT</u></b>
<b><u>19A NCAC 02D .0624</u></b>	<b><u>TIME OF MOVE</u></b>
<b><u>19A NCAC 02D .0625</u></b>	<b><u>SPEED LIMITS</u></b>
<b><u>19A NCAC 02D .0626</u></b>	<b><u>SIGNS: FLAGS</u></b>
<b><u>19A NCAC 02D .0627</u></b>	<b><u>STATE HIGHWAY PATROL NOTIFICATION</u></b>

*History Note: Authority G.S. 20-119; 136-18(5); Board of Transportation Minutes for  
February 16, 1977 and November 10, 1978;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1990; September 1, 1990; January 1, 1985; July 1, 1981;  
Repealed Eff. October 1, 1991.*

## **19A NCAC 02D .0628          SAFETY DEVICES**

*History Note: Authority G.S. 20-119; 136-18(5);  
Eff. July 1, 1978;  
Repealed Eff. September 1, 1990.*



<u><a href="#">19A NCAC 02D .0629</a></u>	<u><a href="#">TOWING UNIT</a></u>
<u><a href="#">19A NCAC 02D .0630</a></u>	<u><a href="#">ROUTE CHANGES</a></u>
<u><a href="#">19A NCAC 02D .0631</a></u>	<u><a href="#">HIGHWAY RIGHT OF WAY RESTRICTIONS</a></u>
<u><a href="#">19A NCAC 02D .0632</a></u>	<u><a href="#">WEATHER</a></u>

*History Note: Authority G.S. 20-119; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1990; April 11, 1980;  
Repealed Eff. October 1, 1991.*

## **[19A NCAC 02D .0633](#)      [PERMITS – DECISIONS, APPEALS, AND ENFORCEMENT](#)**

(a) A permit that is revoked or voided by the Chief Engineer's office shall be surrendered without any refund of fees. An oversize or overweight permit application may be denied for a period of up to six months upon written documentation that the applicant operated in violation of any of the rules contained in this Section, or any state or local law or any rule or ordinance regulating the operation of oversize or overweight vehicles. Repeated violations may result in a permanent denial of the right to use State highway system for transportation of oversize/overweight loads or vehicles. An oversize/overweight permit may be revoked and considered void by the Chief Engineer's office upon inspection and written documentation that the permittee:

- (1) violated either the terms and conditions of the permit, state or local laws, or ordinances regulating the operation of oversize and overweight vehicles;
- (2) misrepresented, fraudulently obtained, altered, or used in an unauthorized manner any information on the permit application; and
- (3) operated or is currently operating a vehicle or vehicle combination in violation of the General Statutes of North Carolina, these rules, the authorized route of travel, time of movement, escort requirements, axle weights, number of axles, or any other conditions of the permit.

(b) No permit application shall be denied, renewal refused, permit revoked, or considered void unless the Chief Engineer's office provides verbal or written notice to the permittee. The permittee may appeal in writing to the Chief Engineer's office within 10 business days of the permittee receiving notice. If a hearing is requested, the Chief Engineer's office shall provide the permittee with written notice, sent by certified mail, return receipt requested, no fewer than 10 business days prior to the scheduled date of the hearing. The Chief Engineer's office shall provide to the permittee a written decision, sent by certified mail, return receipt requested, within 10 business days from the date of the hearing.

(c) A permittee who has permit privileges suspended or revoked by the Chief Engineer's office may make a written appeal to the Secretary of Transportation within 15 days following the date listed on the return receipt. The Secretary of Transportation or the Secretary's designee may affirm or set aside the suspension or revocation based on a review of the written appeal, the suspension or revocation decision, as well as any available documents, exhibits or other evidence bearing on the appeal. The individual appealing shall be advised of the final disposition of the action within 21 days following receipt of the appeal.

(d) The following pertains to enforcement, inspections, and alternate routes as set out in this Rule.

- (1) Law enforcement officers may perform on-site inspections at the point of manufacture or dealer lot for mobile or modular homes ready for shipment.

Notification of violations shall be submitted by enforcement personnel to the Central Permit Office.

- (2) Irrespective of the route shown on the permit, a permitted vehicle shall travel an alternate route if:
- (A) directed by a law enforcement officer with jurisdiction;
  - (B) directed to follow a specific route, for weighing purposes, by an official traffic control device; or
  - (C) the specified route on the permit is detoured by an officially erected highway sign, traffic control devices, or law enforcement officer. If the specified route on the permit is detoured by an officially erected highway sign, traffic control device, or law enforcement officer, the driver of the permitted vehicle shall contact the Central Permit Office or the issuing field office for house move permits for clearance of route or revision of the permit.

*History Note:* Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; October 1, 1991; April 1, 1984; April 11, 1980;  
Temporary Rule Eff. October 1, 2000;  
Amended Eff. December 1, 2012; April 1, 2009; August 1, 2002;  
Readopted Eff. July 1, 2019.

<a href="#"><u>19A NCAC 02D .0634</u></a>	<a href="#"><u>DELEGATION</u></a>
<a href="#"><u>19A NCAC 02D .0635</u></a>	<a href="#"><u>COORDINATION OF MOVEMENT</u></a>
<a href="#"><u>19A NCAC 02D .0636</u></a>	<a href="#"><u>SPECIAL CONDITIONS</u></a>
<a href="#"><u>19A NCAC 02D .0637</u></a>	<a href="#"><u>SPECIAL PERMIT LIMITATIONS</u></a>
<a href="#"><u>19A NCAC 02D .0638</u></a>	<a href="#"><u>UNUSUAL CIRCUMSTANCES</u></a>

*History Note:* Authority G.S. 20-119; 136-14.1; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1990; April 1, 1984; November 1, 1978;  
Repealed Eff. October 1, 1991.

#### [19A NCAC 02D .0639](#) [SPECIAL PERMITS FOR PASSENGER BUSES](#)

*History Note:* Authority G.S. 20-118(8);  
Eff. September 1, 1978;  
Repealed Eff. October 1, 1991.

## **19A NCAC 02D .0640      PERMIT MANUAL OVERSIZE: OVERWEIGHT MOVEMENTS**

*History Note: Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346; 143B-350(f); 150A-62; 150A-63(c); Eff. April 11, 1980; Repealed Eff. April 3, 1981.*

## **19A NCAC 02D .0641      PERMIT FEES**

*History Note: Authority G.S. 20-119; 136-18(5); 143B-359(f)(13); 12-3.1; Eff. April 1, 1984; Repealed Eff. October 1, 1991.*

## **19A NCAC 02D .0642      TEMPORARY AUTHORIZATION FOR ISSUANCE OF PERMITS**

*History Note: Authority G.S. 20-118(f); 20-119; 136-18(5); Temporary Adoption Eff. October 19, 2000; Temporary Adoption Expired August 12, 2001.*

## **19A NCAC 02D .0643      ESCORT VEHICLE DRIVER CERTIFICATION**

When an escort vehicle is required, escort vehicle drivers shall be certified in accordance with 19A NCAC 02D .0644. Certification credentials shall be carried in the vehicle and shall be available for inspection by law enforcement officials with jurisdiction.

*History Note: Authority G.S. 20-119; Temporary Adoption Eff. March 11, 2002; Eff. April 1, 2003; Readopted Eff. July 1, 2019.*

## **19A NCAC 02D .0644      OVERSIZE/OVERWEIGHT LOAD ESCORT VEHICLE OPERATOR CERTIFICATION PROGRAM**

(a) Prior to obtaining certification as an oversize/overweight load escort vehicle operator, a person shall complete a program that provides instruction on escort skills and shall pass an examination. The escort vehicle operator certification program shall provide for reciprocity with other states having similar escort certification programs.

(b) Any person seeking to be certified as an oversize/overweight load escort vehicle operator in North Carolina shall submit an application to the Department and attach a State certified copy of their driving record. The application shall contain the applicant's name and contact information; driver's license number and state; physical and demographic identification information; school name, location, and date of class; and Social Security number if the applicant is applying with an

out-of-state driver's license. Any person seeking to be certified as an oversize/overweight load escort vehicle operator shall be qualified as follows:

- (1) an escort certified by another state's approved program;
- (2) a North Carolina law enforcement officer; or
- (3) a person who:
  - (A) is at least 21 years of age or 18 years of age with a Class A commercial driver's license;
  - (B) possesses a valid driver's license without restrictions other than for the use of corrective lenses and shall not have received a citation in the previous 12 months for operating a vehicle in a reckless manner or driving while impaired;
  - (C) possesses and provides with their application documentation of their completion of a defensive driving course that has been approved by the National Safety Council; and
  - (D) has received a certification examination score of at least 75 percent after completing all eight classroom-hours of the North Carolina Department of Transportation Oversize/Overweight Load Escort Vehicle Operator Certification Program. The program is offered by the North Carolina Community College System.

(c) Upon completion of the requirements set forth in this Rule, the Department shall issue a certificate that provides recognition of completion of the escort vehicle operator certification program. The certificate shall be effective for four years from the issue date and reissued upon completion of a current escort certification program examination administered by Department training providers.

(d) An authorized operator's certification shall be revoked during its effective period upon any of the following occurrences:

- (1) failure to maintain a valid driver's license without restrictions other than for corrective lenses; or
- (2) failure to operate a motor vehicle safely as evidenced by receiving a conviction for operating a vehicle in a reckless manner, driving while impaired, or other evidence that the operator performed their escort duties in a manner likely to cause an accident, personal injury, or damage to property.

(e) If certification is revoked pursuant to this Rule, subsequent certification as an Escort Vehicle Operator shall require reapplication, satisfaction of program prerequisites, and requalification through the certification program.

(f) An individual who has had his or her certificate revoked may make written appeal within 15 days following notification of the adverse action to the Secretary of Transportation for review of the revocation. The Secretary may affirm or set aside the revocation based on a review of the written appeal, the revocation decision, as well as any available documents, exhibits, or other evidence bearing on the appeal. The individual appealing shall be advised of the final disposition within 21 days following receipt of the appeal.

(g) The Secretary of Transportation or the Secretary's designee shall only recognize certificates of other states if those programs meet State objectives as outlined in this Rule and G.S. 20-119.

*History Note: Authority G.S. 20-119;  
Temporary Adoption Eff. March 11, 2002;*

*Eff. April 1, 2003;*  
*Amended Eff. April 1, 2009;*  
*Readopted Eff. July 1, 2019.*

#### **19A NCAC 02D .0701      APPLICATIONS FOR INTERMITTENT ROAD CLOSING**

*History Note: Authority G.S. 136-64.1(a);*  
*Eff. July 1, 1978;*  
*Repealed Eff. October 1, 1993.*

#### **19A NCAC 02D .0702      HIGHWAY SYSTEM LIMITATIONS**

The rules in this Section apply only to secondary roads on the state highway system.

*History Note: Authority G.S. 136-64.1(a);*  
*Eff. July 1, 1978;*  
*Amended Eff. October 1, 1993;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
*Eff. September 6, 2016.*

#### **19A NCAC 02D .0703      REVIEW AND APPROVAL AUTHORITY**

*History Note: Authority G.S. 136-64.1(d);*  
*Eff. July 1, 1978;*  
*Repealed Eff. October 1, 1993.*

#### **19A NCAC 02D .0704      APPLICATION PROCEDURES**

Application for intermittent road closing shall be submitted to the Chief Engineer in the form of a resolution from the requesting agency and must include the following information plus any additional supportive data the agency deems pertinent to the request: (1) county where the road(s) is(are) located; (2) secondary road(s) to be affected by flooding (number and local name); (3) a plan and profile sheet of the affected secondary road(s) indicating the 5, 10, 25, 50 year and maximum flood stage elevations. The duration of flooding shall also be indicated showing the total time the roadway surface will be inundated for each storm frequency; (4) a statement that the applicant will reimburse the North Carolina Department of Transportation for all damages by reason of the flooding of the highway right of way; (5) a statement that the applicant shall be responsible for all damages, by reason of the flooding, to any public utilities upon the highway right of way; and (6) a request that a permit be granted to the applicant agency to allow the intermittent closing of the road.

*History Note: Authority G.S. 136-64.1(a); 136-64.1(b);*  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 2012; October 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0705      REVIEW PROCEDURES**

Application for intermittent road closing shall be submitted to the Chief Engineer in the form of a resolution from the requesting agency and must include the following information plus any additional supportive data the agency deems pertinent to the request:

- (1) county where the road(s) is(are) located;
- (2) secondary road(s) to be affected by flooding (number and local name);
- (3) a plan and profile sheet of the affected secondary road(s) indicating the 5, 10, 25, 50 year and maximum flood stage elevations. The duration of flooding shall also be indicated showing the total time the roadway surface will be inundated for each storm frequency;
- (4) a statement that the applicant will reimburse the North Carolina Department of Transportation for all damages by reason of the flooding of the highway right of way;
- (5) a statement that the applicant shall be responsible for all damages, by reason of the flooding, to any public utilities upon the highway right of way; and
- (6) a request that a permit be granted to the applicant agency to allow the intermittent closing of the road.

*History Note: Authority G.S. 136-64.1(a); 136-64.1(b);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012; October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0706      PUBLIC NOTICE**

*History Note: Authority G.S. 136-64.1(c);  
Eff. July 1, 1978;  
Repealed Eff. October 1, 1993.*

#### **19A NCAC 02D .0707      PERMIT FORM**

The permit, if issued, shall be sent in the form of a letter to the applicant from the Chief Engineer.

*History Note: Authority G.S. 136-64.1(d);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02D .0708**      **WARNING SIGNS**

(a) Upon approval of an application and the issuance of a permit for flooding, the Department of Transportation will erect the warning signs required by G.S. 136-64.1(d) on the secondary road(s) to advise the general public of the intermittent closing of the road(s) involved unless the applicant has notified the Department that it will erect the signs.

(b) The applicant must reimburse the department for all costs associated with the fabrication, erection and maintenance of the warning signs.

*History Note:*      *Authority G.S. 136-64.1(d);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. October 1, 1993;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

### **19A NCAC 02D .0709**      **APPEAL PROCEDURES**

In the event an application is denied by the Chief Engineer, the applicant shall have the right to appeal the decision to the full Board of Transportation pursuant to the procedures below:

Within 30 days after receiving notice from the administrator that the application has been denied, the applicant must submit to the Secretary of Transportation, by registered mail, a written appeal setting forth with particularity the facts upon which the appeal is based. After receiving this appeal, the secretary will notify the applicant of the date when the full Board of Transportation shall consider a review of the application.

*History Note:*      *Authority G.S. 136-64.1(d);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. December 1, 2012; October 1, 1993;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
                         *Eff. September 6, 2016.*

### **19A NCAC 02D .0801**      **PREQUALIFYING TO BID: REQUALIFICATION**

(a) In order to ensure that contracts let pursuant to G.S. 136-28.1(a) are awarded to responsible bidders, prospective bidders and contractors shall comply with the rules set forth in this Section except as otherwise provided by law. For highway construction, maintenance and repair contracts other than those specified in G.S. 136-28.1(a), specific project prequalification requirements to satisfy Paragraph (c) of this Rule shall be specified in the bid documents for specific project contracts.

(b) In order to be eligible to contract with the Department pursuant to G.S. 136-28.1(a), all prospective bidders and subcontractors shall be prequalified with the Department to ensure that they are responsible bidders and reputable contractors capable of effectively and efficiently performing the work awarded to them.

(c) The requirements of prequalification are as follows:

- (1) Applicants shall demonstrate the necessary experience, knowledge, and expertise to safely perform and timely complete highway construction projects in which they bid or subcontract;

- (2) Applicants shall demonstrate that they have sufficient financial resources, including available equipment and qualified personnel, to adequately perform and timely complete highway construction projects in which they bid or subcontract;
  - (3) Applicants shall demonstrate that they have the necessary knowledge and expertise to comply with all state and federal environmental laws relating to highway construction, maintenance and repair contracts; and
  - (4) Applicants shall certify they are independent and not affiliated with other bidders of the same project.
- (d) Bidders shall comply with all applicable laws regulating the practice of general contracting as contained in G.S. 87.
- (e) Prospective bidders and subcontractors shall update their prequalification status annually and shall requalify every three years.
- (f) A prequalified bidder or subcontractor must maintain compliance with the rules in this section at all times in order to be eligible to contract with the Department pursuant to G.S. 136.28.1(a). If at any time a bidder or subcontractor fails to comply with these rules, the Department shall disqualify the bidder or subcontractor from any further bidding until he is able to demonstrate compliance with these requirements by requalifying.

*History Note: Authority G.S. 136-18(1); 136-28.1; 136-44.1; 136-45; 143B-350(f);*

*Eff. April 3, 1981;*

*Amended Eff. February 1, 2008; October 1, 1995; December 1, 1994; December 29, 1993; November 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .0810 DELIVERY OF BIDS**

- (a) All bidders shall submit bids in accordance with the bid documents to the Department.
- (b) Any bid not delivered within the time or manner specified in the bid documents shall not be accepted and shall be returned to the bidder unopened or, in the case of electronic bids, not read publicly.

*History Note: Authority G.S. 136-18(1); 136-28.1;*

*Eff. April 3, 1981;*

*Temporary Amendment Eff. March 15, 1982, for a period of 47 days to expire on May 1, 1982;*

*Amended Eff. February 1, 2008; November 1, 1991; July 1, 1982; May 1, 1982;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*



## **19A NCAC 02D .0812      RECEIPT AND OPENING OF BIDS**

- (a) The Department shall open and read bids publicly at the time and place indicated in the invitation to bid. Bidders, their authorized agents, and other interested parties may be present.
- (b) Bid evaluation, including bid rejection, waiver of irregularities, or award shall be conducted in accordance with the terms of the bid documents.
- (c) Bid revisions by the Department or bid withdrawal by the bidder shall be made in accordance with the terms of the bid documents.

*History Note: Authority G.S. 136-18(1); 136-28.1;  
Eff. April 3, 1981;  
Amended Eff. February 1, 2008; July 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02D .0818      NON-COLLUSION CERTIFICATIONS**

- (a) Every bidder shall furnish to the Department an unsworn certification made under penalty of perjury under the laws of the United States, a non-collusion certification at the time of bid, certifying that the bidder has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with his or her bid on the project.
- (b) A Non Collusion Certification form means a form provided on the Department's website, [www.ncdot.gov](http://www.ncdot.gov), for execution by the bidding prequalified contractor certifying that:
  - (1) neither the individual, nor any official, agent, or employee has entered into any agreement, participated in any collusion, or otherwise taken any action that is in restraint of free competitive bidding in connection with any bid or contract;
  - (2) the bidder has not been convicted of violating G.S. 133-24 within the last three years; and
  - (3) the bidder intends to do the work with its own employees or subcontractors and the bid is not for the benefit of another contractor.
- (c) In the Non Collusion Certification form, the prospective bidder shall certify his or her debarment status under penalty of perjury under the laws of the United States. In the event the prospective bidder cannot certify that he or she is not disbarred, the prospective bidder shall provide a written explanation, which the Department shall review and evaluate to determine if the bidder is prequalified, according to the requirements set out in Rule .0801 of this Section, for bidding, contracting, or subcontracting on Department projects.

*History Note: Authority G.S. 136-18(1); 136-28.1; 133-30;  
Eff. April 3, 1981;  
Recodified from 19A NCAC 2D .0816;  
Amended Eff. July 1, 2017; February 1, 2008; October 1, 1993; November 1, 1991;  
October 1, 1991; July 1, 1982.*

### **19A NCAC 02D .0820 CANCELLATION OF AWARD**

The Board of Transportation may rescind the award of any contract at any time before the receipt of the properly executed contract bonds from the successful bidder.

*History Note: Authority G.S. 136-18(1); 136-28.1; 143B-350(f);  
Eff. April 3, 1981;  
Recodified from 19A NCAC 2D .0818;  
Amended Eff. October 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02D .0825 CONFIDENTIALITY OF COST ESTIMATES**

All cost estimates prepared by the Department for the purpose of comparing bids shall be confidential and not disclosed until after the opening of bids.

*History Note: Authority G.S. 133-33;  
Eff. September 1, 1981;  
Amended Eff. May 1, 1983;  
Recodified from 19A NCAC 2D .0823;  
Amended Eff. February 1, 2008; February 1, 1995; October 1, 1993; October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02D .0830 DEFINITIONS**

This Section establishes the Department's rules for letting of contracts pursuant to G.S. 136-28.1(a). For purposes of this Section, the following definitions shall apply:

- (1) "Bid" means the offer of a bidder on the proposal furnished by the Department to perform work and furnish labor and materials at the prices quoted.
- (2) "Bidder" means an individual, partnership, firm, corporation, or joint venture formally submitting a bid for the work contemplated.
- (3) "Bid documents" means the package of materials, in paper or electronic form, containing all project specific contract information including the plans and proposals furnished by the Department.
- (4) "Contract" means the executed agreement between the Department of Transportation and the successful bidder, covering the performance of the work and the compensation for work.
- (5) "Department" means the North Carolina Department of Transportation.
- (6) "Debarment certification form" means a certification form provided by the Department for execution by the prospective bidder or subcontractor certifying that he is not, nor has been, debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from certain transactions and has not been charged, indicted or convicted of debarment related activities and shall otherwise assume debarment certification responsibilities as part of any contract with the Department.

- (7) "Invitation to bid" means the notification that bids will be received for the construction of specific projects.

*History Note: Authority G.S. 136-28.1;*

*Eff. October 1, 1993;*

*Amended Eff. February 1, 2008;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .1001      PURPOSE**

The North Carolina Department of Transportation's Adopt-A-Highway Program exists to support the Department's litter abatement efforts.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .1002      DEFINITIONS**

For purposes of rules in this Section, the following definitions shall apply.

- (1) "Adoption" shall mean the agreement by an individual or group to pick up litter and trash from a specific section of highway right-of-way.
- (2) "Adopt-A-Highway Program" shall mean the public participation program of the Department designed to assist in the control and reduction of litter on state-maintained highway right-of-way.
- (3) "Adopted Section" shall mean the portion, generally two miles in length, of state-maintained highway right-of-way approved for adoption by volunteers.
- (4) "Authorized Representative" shall mean, in the case of an adoption by a group, the group members acting on behalf of the group for the purpose of adopting a section of highway.
- (5) "Department" shall mean the North Carolina Department of Transportation.
- (6) "Program" shall mean the Adopt-A-Highway Program of the North Carolina Department of Transportation.
- (7) "Program Director" shall mean the Director of Beautification Programs of the North Carolina Department of Transportation who has oversight responsibility for the Program.
- (8) "Program Participants" shall mean the individuals or groups who have adopted sections of highways. Civic and non-profit organizations, and commercial and private enterprises may be selected as groups for the purpose of adopting a section of highway.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02D .1003      PARTICIPATION IN THE PROGRAM**

- (a) The adoption of a section of highway is a privilege in consideration for public service that may be granted by the Department to individuals or groups who would assist the Adopt-A-Highway Program in achieving its purpose.
- (b) Only individuals or groups determined by the Department to exhibit in good faith the willingness and the capacity to perform the responsibilities of the Program will be allowed to adopt a highway. The Department may refuse to grant a request to adopt a section of highway if, in its opinion, granting the request would jeopardize the Program, be counterproductive to its purpose as set out in Rule 02D.1001 of this Section, or create a hazard to the safety of Department employees or the public. Highway safety is a principal concern in all decisions related to the Program. Program participants shall not be discriminated against on the basis of religion, race, national origin, sex or handicap (except where the handicap would affect the individual's safe participation in the Program) with respect to their participation in the Program.
- (c) The Division Engineer or his designee shall approve applications of individuals or groups applying to participate in the Program. A list of the newly approved participants, by division, shall be submitted to the Program Director for review on the first of each month. The approval of the Division Engineer is final unless the applications are disapproved by the Program Director by the first day of the next calendar month. If the Division Engineer has any uncertainty regarding the qualifications of the individual or group applying to the Program, the Division Engineer shall submit the application and all accompanying documents to the Program Director for final action.
- (d) Agreements of adoption shall be for a period of four years.
- (e) Each person participating in the Program shall execute a written release of the Department, its officials, employees and agents from any liability arising out of his or her participation in the Program. In the case of a minor, such release shall be executed by a parent or guardian.
- (f) Program participants may put recyclable plastic, cans, and glass in blue bags which are furnished by the department and may keep the proceeds received for the recycled materials.

*History Note: Authority G.S. 136-140.1; 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. August 1, 2002; November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .1004      AGREEMENT**

Any individual or group desiring to participate in the Adopt-A-Highway Program shall submit an agreement to the Division Engineer of the Division in which the section of highway proposed for adoption is located. The agreement shall be in the form prescribed by the Department and shall contain at a minimum the following information:

- (1) The highway section to be adopted, as nearly as it can be described;
- (2) The dates of the requested adoption;
- (3) The approximate number of people in the group who will be participating in each cleanup;
- (4) The name, telephone number, and complete street address of the authorized representative for the group and of all members of the group who will actually participate in the Program;
- (5) An acknowledgement by the individual or group of the hazardous nature of the work involved by participating in the Program;
- (6) An acknowledgement that the members of the group agree jointly to be bound by and comply with the terms and conditions set forth in the agreement; and
- (7) The signatures of the Division Engineer, or his designee, and the Authorized Representative of the Program Participant.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

#### **19A NCAC 02D .1005      RESPONSIBILITIES OF PROGRAM PARTICIPANTS AND DEPARTMENT**

(a) Any individual or group participating in the Adopt-A-Highway Program shall be subject to the following requirements and responsibilities:

- (1) Appointing or selecting an authorized representative to act on behalf of the group;
- (2) Ensuring that each person participating in the program attend a safety meeting and sign a statement acknowledging that they have attended the safety meeting and viewed the Department's safety video before participating in the cleanup of the adopted section;
- (3) Obeying and abiding by the rules adopted by the Department;
- (4) Picking up litter a minimum of four times a year, and as often as necessary to maintain a clean right-of-way;
- (5) Ensuring that each individual participant of the group wears a Department approved safety vest or shirt during the pickup;
- (6) Ensuring that each individual participant of the group wear clothing that will not impair vision or movement during the pickup;
- (7) Ensuring that attire that might divert the attention of motorists is not worn during clean up activities;

- (8) Furnishing adequate supervision by one or more adults 21 years of age or older for groups which have participants 12 - 17 years of age;
  - (9) Ensuring that no one under the age of 12 is allowed to participate in the clean up activities;
  - (10) Prohibiting participants from either possessing or consuming alcoholic beverages or other drugs during clean up activities;
  - (11) Ensuring that no signs, posters, or other display material that might distract motorists are brought to the adopted section by group members during or between clean ups;
  - (12) Filing after actions reports as prescribed by the Department; and
  - (13) Ensuring that all provisions of the agreement are fully performed.
- (b) The Department's participation in the Program will include the following:
- (1) Working with the group to determine the specific section of state right-of-way to be adopted;
  - (2) Providing safety vests, trash bags and safety information;
  - (3) Erecting two signs, one at each end of the adopted section, with the group's name or acronym displayed. The size, shape and graphic design of the sign shall be in accordance with the Adopt-A-Highway sign policy as approved by the Secretary of Transportation. In the case of theft, vandalism or destruction of a highway sign, the Department shall provide one free replacement of the sign. Thereafter, any replacement sign shall be paid for by the Program Participant;
  - (4) Removing filled trash bags;
  - (5) Removing litter from the adopted section under unusual circumstances, i.e., removing large, heavy or hazardous items;
  - (6) Monitoring to ensure the objectives of litter abatement are being met; and
  - (7) Monitoring to evaluate the overall operation of the Program and to gauge its effectiveness.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02D .1006      GENERAL LIMITING CONDITIONS**

- (a) The Department shall determine which highways are eligible for adoption.
- (b) The Department shall determine the designation of the section of right-of-way to be adopted. The Department will consider community sentiment in determining the designation of the section of right-of-way to be adopted.
- (c) State roads in residential neighborhoods will not normally be available for adoption. Exceptions include roads adopted by the neighborhood residents. Underlying fee owners' objections to a specific adoption shall be considered.
- (d) If any of the Program's actions are determined to be contrary to any statutory restrictions, or any restrictions on the use of appropriated funds for political activities, the Department may take any necessary remedial action, including, but not limited to, the removal of the erected signs

displaying the Program Participant's name or acronym or the termination of the adoption agreement.

(e) Names, titles or words placed on Adopt-A-Highway signs shall be approved by the North Carolina Department of Transportation.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02D .1007      MODIFICATION/RENEWAL/TERMINATION   OF   THE AGREEMENT**

(a) The Adopt-A-Highway agreement may be modified in scope or altered in any other manner at the discretion of the Department.

(b) Program participants shall have the option of renewing the agreement, subject to the approval of the Department and the continuation of the Program by the Department. Information concerning Program participants is to be updated at the time of renewal.

(c) The Department may terminate the agreement or remove the Adopt-A-Highway signs bearing the Program participant's name or acronym if it finds and determines that the participant is not meeting the terms and considerations of the agreement, that the participant is acting contrary to the rules of the Program, that the adoption is proving to be counter productive to the Program's purpose, that undesirable results such as increased litter, vandalism or sign theft, are resulting from the adoption, that Program participants have engaged in irresponsible conduct at the adopted section which would bring discredit upon the State, or that other good cause exists to terminate the agreement or remove the Adopt-A-Highway sign.

*History Note: Authority G.S. 143B-350;*

*Eff. November 1, 1991;*

*Amended Eff. November 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .0201      DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL**

In addition to the definitions set forth in G.S. 136-128, the following definitions shall apply for purposes of outdoor advertising control:

- (1) **Abandoned Sign:** A sign that is not being maintained as required by the rules in this Section. The absence of a valid lease is one indication of an abandoned sign. An outdoor advertising sign structure shall be considered to be abandoned if for a period of 12 months the sign has been without a message, contains obsolete advertising matter, or is significantly damaged or dilapidated.
- (2) **Automatic Changeable Facing Sign:** A sign, display, or device which changes the message or copy on the sign facing electronically by movement or rotation of panels or slats.



- (3) Blank Sign: A sign structure on which all faces contain no message, or which contains only a telephone number advertising its availability.
- (4) Comprehensive Zoning: Zoning by local zoning authorities of each parcel of land under the jurisdiction of the local zoning authority placed in a zoning classification pursuant to a comprehensive plan, or reserved for future classification.
  - (a) A comprehensive plan means a development plan which guides decisions by the local zoning authority relating to zoning and the growth and development of the area.
  - (b) Even if comprehensively enacted, the following criteria shall determine whether such zoning is enacted primarily to permit outdoor advertising:
    - (i) The zoning classification provides for limited commercial or industrial activity only incidental to other primary land uses;
    - (ii) The commercial or industrial activities are permitted only by variance or special exceptions; or
    - (iii) The zoning constitutes spot or strip zoning. "Spot zoning" or "strip zoning" is zoning designed primarily for the purpose of permitting outdoor advertising signs in an area which would not normally permit outdoor advertising.
- (5) Conforming Sign: A sign legally erected in a zoned or unzoned commercial or industrial area which meets all current legal requirements for erecting a new sign at that site.
- (6) Controlled Access Highway: A highway on which entrance and exit accesses are permitted only at designated points.
- (7) Controlled Route: Any interstate or federal-aid primary highway as it existed on June 1, 1991, and any highway which is or becomes a part of the National Highway System (NHS).
- (8) Destroyed Sign: A sign no longer in existence due to factors other than vandalism or other criminal or tortious acts. An example of a destroyed sign includes a sign which has been blown down by the wind and sustains damage in excess of 50 percent as determined by the criteria in 19A NCAC 02E .0225(f).
- (9) Dilapidated Sign: A sign which is shabby, neglected, or in disrepair, or which fails to be in the same form as originally constructed, or which fails to perform its intended function of conveying a message. Characteristics of a dilapidated sign include, but are not limited to, structural support failure, a sign not supported as originally constructed, panels or borders missing or falling off, intended messages cannot be interpreted by the motoring public, or a sign which is blocked by overgrown vegetation outside the highway right of way.
- (10) Directional Sign: A sign which contains directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Directional and other official signs and notices include, but are not limited to, public utility signs, service club and religious notices, or public service signs.
  - (a) Public Service Sign: A sign located on a school bus stop shelter which meets all the following requirements:



- (i) identifies the donor, sponsor or contributor of said shelter;
  - (ii) is located on a school bus shelter which is authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved;
  - (iii) contains only safety slogans or messages which shall occupy not less than 60 percent of the area of the sign;
  - (iv) does not exceed 32 square feet in area; and
  - (v) contains not more than one sign facing in any one direction.
- (b) **Public Utility Sign:** A warning sign, informational sign, notice or other marker customarily erected and maintained by publicly or privately owned utilities, which are essential to their operations.
- (c) **Service Club and Religious Notices:** Any sign or notice authorized by law which relates to meetings of nonprofit service clubs, charitable associations, or religious services. These signs shall not exceed eight square feet in area.
- (11) **Discontinued Sign:** A sign no longer in existence. A discontinued sign includes a sign of which any part of a sign face is missing more than 180 days. In some cases, a sign may be both discontinued and dilapidated.
- (12) **Freeway:** A divided arterial highway for through traffic with full control of access.
- (13) **Highway:** A highway that is designated as a part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System. A highway shall be a part of the National Highway System on the date the location of the highway has been approved finally by the appropriate federal authorities.
- (14) **Lease:** An agreement, in writing, by which possession or use of land or interests therein is given for a specified purpose and period of time, and which is a valid contract under North Carolina laws.
- (15) **Main Traveled Way or Traveled Way:** Part of a highway on which through traffic is carried, exclusive of paved shoulders. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a traveled way. It does not include frontage roads, turning roadways, or parking areas.
- (16) **Nonconforming Sign:** A sign which was lawfully erected but which does not comply with the provisions of State law or rules passed at a later date or which later fails to comply with State law or rules due to changed conditions. For purposes of the outdoor advertising rules, nonconforming signs also include those signs which have become nonconforming pursuant to 19A NCAC 02E .1002(d) on scenic byways which were part of the interstate or federal-aid primary highway system as of June 1, 1991, or which are or become a part of the National Highway System.
- (17) **Official Sign/Notice:** A sign or notice erected and maintained by public officers or public agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with federal, state, or local law for the purpose of carrying out an official duty or responsibility. Official signs and notices include, but are not limited to, historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies.

- (18) **On-premise/On-property Sign:** A sign which advertises the sale or lease of property upon which it is located or which advertises an activity conducted or product for sale on the property upon which it is located. An on-premise sign may not be converted to a permitted outdoor advertising sign unless it meets all rules in effect at the time of the conversion request. An on-premise sign must be located on property contiguous to the property on which the activity is located. Tracts not considered to be contiguous include, but are not limited to:
- (a) Tracts of land separated by a federal, state, city, or public access maintained road;
  - (b) Tracts of land not under common ownership; or
  - (c) Tracts of land held in different estates or interests.
- (19) **Parkland:** Any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
- (20) **Permit Holder:** A permit holder shall be the sign owner, and for purposes of the rules in this Section the terms and definitions shall be interchangeable, unless the Department of Transportation, through the appropriate district office, has been notified in writing that the permit holder is a person or entity other than the actual owner of the sign. In this case, the actual sign owner's name, mailing address, and telephone number must be declared.
- (21) **Salvageable Sign Components:** Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.
- (22) **Scenic Area:** Any area of particular beauty or historical significance as determined by the federal, state, or local official having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation and enhancement of beauty.
- (23) **Scenic Byway:** A scenic highway or scenic byway designated by the Board of Transportation, regardless of whether the route so designated was part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System.
- (24) **Sign:** Any outdoor sign, sign structure, display, light, device, figure, painting, drawing, message, placard, poster, billboard, or other object which is designed, intended, or used to advertise or inform. A sign includes any of the parts or material of the structure, such as beams, poles, posts, and stringers, the only eventual purpose of which is to ultimately display a message or other information for public view. For purposes of these rules, the term "sign" and its definition shall be interchangeable with the following terms: outdoor advertising, outdoor advertising sign, outdoor advertising structure, outdoor advertising sign structure, sign structure, and structure.
- (25) **Sign Conforming by Virtue of the "Grandfather Clause:"** A sign legally erected prior to the effective date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or federal-aid primary system or NHS in a zoned or unzoned commercial or industrial area which does not meet all current standards for erecting a new sign at that site.

- (26) Sign Face: The part of the sign, including trim and background, which contains the message or informative contents. For purposes of measuring the maximum area or height of a sign, embellishments or extended advertising shall be excluded.
- (27) Sign Location/Site: A sign location or site for purposes of these rules shall be measured to the closest 1/100th of a mile, in conformance with Department of Transportation methods of measurement for all state roads. The location or site shall be determined and listed on each outdoor advertising permit application by DOT personnel.
- (28) Sign Owner: A sign owner shall be the permit holder of record, and for purposes of the rules in this Section the terms and definitions shall be interchangeable, unless the Department of Transportation, through the appropriate district office, has been notified in writing that the sign owner is a person or entity other than the actual holder of the permit. In this case, the actual sign owner's name, mailing address, and telephone number must be declared.
- (29) Significantly Damaged Sign: A sign which has been damaged or partially destroyed due to factors other than vandalism or other criminal or tortious acts to such extent that the damage to the sign is greater than fifty percent as determined by the criteria in 19A NCAC 02E .0225(f).
- (30) Unzoned Commercial or Industrial Area: An area which is not zoned by state or local law, regulation, or ordinance, and which is within 660 feet of the nearest edge of the right of way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial or industrial activity that meets all requirements specified in 19A NCAC 02E .0203(5).
- (31) Zoned Commercial or Industrial Area: An area which is zoned for business, industry, commerce, or trade pursuant to a state or local zoning ordinance or regulation. Local zoning action must be taken pursuant to the state's zoning enabling statute or constitutional authority in accordance therewith. Zoning which is not part of comprehensive zoning or which is created primarily to permit outdoor advertising structures shall not be recognized as valid zoning for purposes of the Outdoor Advertising Control Act and the rules promulgated thereunder, unless the land is developed for commercial or industrial activity as defined under 19A NCAC 02E .0203(5).

*History Note: Authority G.S. 136-130;*

*Eff. July 1, 1978;*

*Amended Eff. August 1, 2000; December 1, 1993; March 1, 1993; December 1, 1990; January 1, 1984.*

### **19A NCAC 02E .0202 AGREEMENT**

The Department of Transportation has entered into an agreement with the United States Department of Transportation relating to the control of outdoor advertising in areas adjacent to the interstate and federal-aid primary highway systems or NHS in accordance with Section 131 (b) of Title 23 of the United States Code and Part 750 of Title 23 of the Code of Federal Regulations. To the extent that these federal regulations and subsequent amendments and editions are more restrictive than North Carolina Department of Transportation rules, these federal regulations control and are expressly incorporated by reference as part of this section. A copy of this agreement may be obtained from the Office of the Chief Engineer free of charge. Copies of Title 23 of the United States Code of Federal Regulations are available at the following website: <https://www.ecfr.gov>.

*History Note: Authority G.S. 136-138; 143B-350(f); 150B-21.6;*

*Eff. July 1, 1978;*

*Amended Eff. December 1, 2012; August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981;*

*Readopted Eff. January 1, 2021.*

### **19A NCAC 02E .0203 OUTDOOR ADVERTISING ON CONTROLLED ROUTES**

The following standards shall apply to the erection and maintenance of outdoor advertising signs in all zoned and unzoned commercial and industrial areas located within 660 feet of the nearest edge of the right of way of the controlled route. The standards shall not apply to those signs enumerated in G.S. 136-129(1), (2), (2a) and (3), which are directional and other official signs and notices, signs advertising the sale or lease of property upon which they are located, signs advertising the sale of crops at roadside stands, and signs which advertise activities conducted on the property upon which they are located.

(1) Configuration and Size of Signs:

- (a) The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, embellishments, extended advertising space, supports, and other structural members.
- (b) The area shall be calculated by measuring the outside dimensions of face, excluding any apron, embellishments, or extended advertising space.
- (c) The maximum size limitations shall apply to each side of a sign structure; the signs may be placed back-to-back, side-by-side; or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.
- (d) Side-by-side signs shall be structurally tied together to be considered as one sign structure.
- (e) V-type and back-to-back signs shall not be considered as one sign if located more than 15 feet apart at their nearest points.
- (f) The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50 feet.
- (g) Double-decking of sign faces so that one is on top of the other is prohibited.

(2) Spacing of Signs:

- (a) Signs may not be located in a manner to obscure, or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device, or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- (b) Controlled Routes with Fully Controlled Access (Freeways):
  - (i) No two structures shall be spaced less than 500 feet apart.
  - (ii) Outside the corporate limits of towns and cities, no structure may be located within 500 feet of an interchange, collector distributor, intersection at grade, safety rest area or information center regardless of whether the main traveled way is within or outside the town or city limits. The 500 feet spacing shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of pavement away from the interchange, collector distributor, intersection at grade, safety rest area or information center. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant without a ramp shall be measured along the outside edge of main traveled way for freeways as follows:
    - (A) Where a route is bridged over a freeway, the 500 foot measurement shall begin on the outside edge of pavement of the freeway at a point directly below the edge of the bridge. The direction of measurement shall be along the edge of pavement away from the interchange.
    - (B) Where a freeway is bridged over another route, the 500 foot measurement shall be made from the end of the bridge in the quadrant. The direction of measurement shall be along the edge of main traveled way away from the bridge.
    - (C) Where the routes involved are both freeways, measurements on both routes shall be made according to (A) or (B) of this Subitem, whichever applies.

Should there be a situation where there is more than one point at which the pavement widens along each road within a quadrant, the measurement shall be made from the pavement widening which is farthest from the intersecting roadways.
- (c) Controlled Routes Without Fully Controlled Access:
  - (i) Outside of incorporated towns and cities --no two structures shall be spaced less than 300 feet apart.
  - (ii) Within incorporated towns and cities --no two structures shall be spaced less than 100 feet apart.
- (d) The foregoing provisions for the spacing of signs do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

- (e) Official and "on-premise" signs, as permitted under the provisions of G.S. 136-129(1), (2), (2a) and (3), and structures that are not lawfully maintained shall not be included nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
  - (f) The minimum distance between structures shall be measured along the nearest edge of the main traveled way between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highways.
- (3) Lighting of Signs; Restrictions:
- (a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights including animated or scrolling advertising, are prohibited, unless expressly allowed under Item 4, of this rule except those giving public service information such as time, date, temperature, weather, or similar information.
  - (b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the controlled routes and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
  - (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
  - (d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.
  - (e) Lighting shall not be added to or used to illuminate nonconforming signs or signs conforming by virtue of the grandfather clause.
- (4) Automatic Changeable Facing Sign:
- (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
    - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
    - (i) The changeable facing remains in a fixed position for at least eight seconds;
    - (iii) If a message is changed electronically, it must be accomplished within an interval of two seconds or less;
    - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
    - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
    - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
    - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
    - (viii) The sign application meets all other permitting requirements.

- (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.
- (5) Unzoned Commercial or Industrial Area Qualification for Signs:
  - (a) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising control, one or more commercial or industrial activities shall meet all of the following criteria prior to submitting an outdoor advertising permit application:
    - (i) The activity shall maintain all necessary business licenses as may be required by applicable state, county or local law or ordinances;
    - (ii) The property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law;
    - (iii) The activity shall be connected to basic utilities including but not limited to power, telephone, water, and sewer, or septic service;
    - (iv) The activity shall have direct or indirect vehicular access and be a generator of vehicular traffic;
    - (v) The activity shall have a building designed with a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right of way of the controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:
      - (A) The mobile home unit or recreational vehicle shall meet the North Carolina State Building Code criteria for commercial or business use.
      - (B) A self-propelled vehicle shall not qualify for use as a business or office for the purpose of these rules.
      - (C) All wheels, axles, and springs shall be removed.
      - (D) The unit shall be permanently secured on piers, pad, or foundation.
      - (E) The unit shall be tied down in accordance with local, state, or county requirements;
    - (vi) The commercial or industrial activity must be in active operation a minimum of six months prior to the date of submitting an application for an outdoor advertising permit;
    - (vii) The activity shall be open to the public during hours that are normal and customary for that type of activity in the same or similar communities but not less than 20 hours per week;
    - (viii) One or more employees shall be available to serve customers whenever the activity is open to the public; and
    - (ix) The activity shall be visible and recognizable as commercial or industrial from the main traveled way of the controlled route. An activity is visible when that portion on which the permanent building designed, built, or modified for its current commercial use can be clearly seen twelve months a year by a person of normal visual acuity while traveling at the posted speed on the main traveled way of the controlled route adjacent to the activity. An activity is

recognizable as commercial or industrial when its visibility from the main traveled way of the controlled route is sufficient for the activity to be identified as commercial or industrial.

- (b) Each side of the controlled route shall be considered separately. All measurements shall begin from the outer edges of regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity, not from the property line of the activity and shall be along the nearest edge of the main traveled way of the controlled route.
- (c) The proposed sign location must be within 600 feet of the activity.
- (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor advertising control, none of the following activities shall be recognized:
  - (i) Outdoor advertising structures;
  - (ii) On-premise or on-property signs defined by Rule .0201(18) of this Section if the on-premise/on-property sign is the only part of the commercial or industrial activity that is visible from the main-traveled way;
  - (iii) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to temporary wayside fresh produce stands;
  - (iv) Transient or temporary activities;
  - (v) Activities not visible and recognizable as commercial or industrial from the traffic lanes of the main traveled way;
  - (vi) Activities more than 660 feet from the nearest edge of the right of way;
  - (vii) Activities conducted in a building principally used as a residence;
  - (viii) Railroad tracks and minor sidings;
  - (ix) Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity; and
  - (x) Illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards as set out in G.S. 136-147;

*History Note: Authority G.S. 136-130;*

*Eff. July 1, 1978;*

*Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; November 1, 1988.*



## **19A NCAC 02E .0206      APPLICATIONS**

(a) An application for an outdoor advertising permit shall be made on NCDOT form OA-1, which may be obtained at any District Office. Upon completion, the application shall be submitted to the district office for the district where the proposed site is located. The application shall include the following attachments:

- (1) A written lease or written proof of interest in the land where a sign is proposed to be constructed. An applicant may delete information pertaining to term and amount of lease;
- (2) A right of entry form to provide the right of entry from the property owner or adjacent property owners to allow DOT personnel to enter upon property when necessary for the enforcement of the Outdoor Advertising Control Act or these rules;
- (3) If zoned, a written statement from the local zoning authority indicating the present zoning of the parcel and its effective date. Upon request of the district engineer, the applicant shall submit copies of minutes from the appropriate zoning authority pertinent to the zoning action;
- (4) If the area is an unzoned commercial or industrial area, a copy of the documentation confirming that the requirements under .19A NCAC 02E .0203(5)(a)(i) and (ii) have been met;
- (5) A sign permit or zoning permit, if required by the local government having jurisdiction over the proposed location;
- (6) A written certification from the sign owner indicating there has been no misrepresentation of any material facts regarding the permit application, or other information supplied to acquire a permit; and
- (7) The initial nonrefundable permit fee.

(b) Any omission of attachments or certification required in Items (1) through (7) in this Rule may cause the rejection of the application. If the application is incomplete, the entire application package, including application fee, shall be returned to the applicant.

*History Note: Authority G.S. 136-130;*

*Eff. July 1, 1978;*

*Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.*

## **19A NCAC 02E .0207      FEES AND RENEWALS**

(a) Initial and annual renewal fees shall be paid by the sign owners for each permit requested in order to defer the costs of the administrative and inspection expenses incurred by the Division of Highways of the Department of Transportation in administering the permit procedures.

(b) An initial nonrefundable fee of one hundred and twenty dollars (\$120.00) per outdoor advertising structure shall be submitted with each permit application and an annual nonrefundable renewal fee of sixty dollars (\$60.00) per sign structure shall be paid by the sign owners on or before April 15 of each year to the appropriate district engineer. Sign owners must return the information required under Paragraph (c) of this Rule with their annual renewal fees.

(c) The Division of Highways of the Department of Transportation shall send an invoice for the annual renewal fee to each sign owner/permit holder with a valid permit. For a renewal to be approved, the sign owner/permit holder must submit the signed invoice along with the renewal fee.

If requested, the permit holder/sign owner shall provide a valid lease or other proof of interest in the land where the sign is located. Failure to submit this documentation within 30 days of written request from the District Engineer by certified mail will subject the permit to revocation under 19A NCAC 2E .0210(4).

*History Note: Authority G.S. 136-130; 136-133;*

*Eff. July 1, 1978;*

*Amended Eff. November 1, 1993; October 1, 1991; December 1, 1990; July 1, 1986;*

*Temporary Amendment Eff. November 16, 1999;*

*Amended Eff. August 1, 2000.*

### **19A NCAC 02E .0208 PERMIT AND PERMIT EMBLEM**

(a) A permit shall be issued for lawful outdoor advertising structures by the Division of Highways of the Department of Transportation upon proper application, approval, and the payment of the nonrefundable initial permit fee.

(b) The erection of new outdoor advertising structures shall not commence until a permit has been approved and the emblem issued. The outdoor advertising structure except all sign faces must be completely constructed and erected within 180 days from the date of approval of the permit and issuance of the emblem. If the outdoor advertising structure except sign faces is not constructed within 180 days from the date of approval of the permit and issuance of the emblem then any intervening rule change shall apply to the sign structure. During the 180 day period, the new outdoor advertising structure shall be considered in existence for the purpose of spacing of adjacent signs as set out in the rules in this Section.

(c) The permit holder/sign owner shall notify the appropriate Division of Highways district engineer by certified mail, return receipt requested, within 10 days after the outdoor advertising structure is completed that it is ready for final inspection.

(d) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall place the emblem, which will have an identifying number, on the outdoor advertising structure in such a position as to be visible and readable from the main traveled way of the controlled route.

(e) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall affix the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in sufficient size to be clearly visible from the main traveled way of the controlled route.

(f) Within 90 days after receiving notice that an outdoor advertising structure is complete, the appropriate District Engineer shall inspect the structure. If the structure fails to comply with the Outdoor Advertising Control Act or the rules in this Section, the District Engineer shall advise the permit holder/sign owner by certified mail of the manner in which the structure fails to comply and that the structure must be made to comply within 30 days of receipt of the notice or removed.

(g) Replacements for emblems that are missing or illegible may be obtained from the district engineer by submitting a written request accompanied by a copy of the permit application which approved the original emblem.

*History Note: Authority G.S. 136-130;*

*Eff. July 1, 1978;*  
*Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990.*

#### **19A NCAC 02E .0209      TRANSFER OF PERMIT/CHANGE OF ADDRESS**

Within 30 days after ownership of a permitted outdoor advertising sign is transferred, the previous or new owner shall submit a written notice, signed by the transferring owner and notarized, to the district engineer for the county in which the sign is located. A permit holder/sign owner must provide the appropriate district engineer with written notice of any change of address within 30 days of the address change. Should a permit holder/sign owner fail to provide written notice of a transfer of permit or change of address, a revocation of a permit for one of the reasons specified in Rule .0210 of this Section shall stand and shall not be affected by failure to notify the district engineer of such changes.

*History Note: Authority G.S. 136-130;*  
*Eff. July 1, 1978;*  
*Amended Eff. August 1, 2000; November 1, 1993.*

#### **19A NCAC 02E .0210      REVOCATION OF OUTDOOR ADVERTISING PERMIT**

The appropriate District Engineer's office shall revoke a permit for a lawful outdoor advertising structure based on any of the following: (1) mistake of facts by the issuing District Engineer's office for which had the correct facts been known, he or she would not have issued the outdoor advertising permit; (2) misrepresentations of any facts made by the permit holder and on which the District Engineer's office relied in approving the outdoor advertising permit application; (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit holder, the permit applicant, or the owner of property on which the outdoor advertising structure is located; (4) failure to pay annual renewal fees or provide the documentation requested under Rule .0207 of this Section; (5) failure to construct the outdoor advertising structure, except all sign faces, within 180 days from the date of issuance of the outdoor advertising permit in accordance with Rule .0208 of this Section; (6) a determination upon inspection of an outdoor advertising structure that it fails to comply with the Outdoor Advertising Control Act or the rules in this Section; (7) any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act or the rules of this Section; (8) alterations to a sign not conforming to State standards other than reasonable repair and maintenance as defined in Rule .0225(c) of this Section. For purposes of this Rule, alterations include: (a) enlarging a dimension of the sign facing or raising the height of the sign; (b) changing the material of the sign structure's support; (c) adding a pole or poles; or (d) adding illumination; (9) failure to affix the emblem as required by Rule .0208 of this Section or failure to maintain the emblem so that it is visible from the main-traveled way or controlled route; (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in sufficient size to be visible as required by Rule .0208 of this Section; (11) unlawful destruction or illegal cutting of trees, shrubs or other vegetation within the right-of-way of any State-owned or State-maintained highway as specified in G.S. 136-133.1(i); (12) unlawful use of a controlled access facility for purposes of repairing, maintaining, or servicing an outdoor advertising sign

where the unlawful violation was conducted actually or by design by the permit holder, the lessee or advertiser employing the sign, the owner of the property upon which the sign is located, or any of their employees, agents, or assigns, including independent contractors hired by any of the above and meets either of the following: (a) involved the use of highway right of way for the purpose of repairing, servicing, or maintaining a sign including stopping, parking, or leaving any vehicle whether attended or unattended, on any part or portion of the right of way except as authorized by the Department of Transportation, including activities authorized by the Department for selective vegetation removal pursuant to G.S. 136-131.1, G.S. 136-131.2 and G.S. 136-133.4. Access from the highway main travel way shall be allowed only for surveying or delineation work in preparation for and in the processing of an application for a selective vegetation removal permit; or (b) involved crossing the control of access fence to reach the sign structure, except as authorized by the Department, including those activities referenced in Sub-Item (a) of this Item; (13) maintaining a blank sign for a period of 12 consecutive months; (14) maintaining an abandoned, dilapidated, or discontinued sign; (15) a sign that has been destroyed or significantly damaged as determined by Rule .0201(8) and (29) of this Section; (16) moving or relocating a sign not conforming to State standards that changes the location of the sign; (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, or the rules of this Section; and (18) failure to comply with all the requirements specified in a vegetation removal permit if such failure meets the standards of G.S. 136-133.1(i).

*History Note: Authority G.S. 136-93; 136-130; 136-133; 136-133.1(i); 136-133.4(e);  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; May 1, 1997; November 1, 1993; March 1, 1993;  
October 1, 1991; December 1, 1990;  
Temporary Amendment Eff. March 1, 2012;  
Amended Eff. November 1, 2012;  
Readopted Eff. January 1, 2021.*

## **19A NCAC 02E .0211 DENIAL OF PERMIT**

*History Note: Authority G.S. 136-130;  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981;  
Temporary Repeal Eff. March 1, 2012;  
Repealed Eff. November 1, 2012.*

### **19A NCAC 02E .0212 NOTICE GIVEN FOR REVOKING PERMIT**

- (a) Prior to the revocation of an outdoor advertising permit, the district engineer shall notify the permit holder/sign owner by certified mail of the alleged violation under Rule .0210 of this Section. The permit holder/sign owner shall be given thirty (30) days in which to bring the sign into compliance, if permissible by these rules, or provide information concerning the alleged violation to the district engineer to be considered prior to the actual revocation. The district engineer shall consider the information provided by the permit holder prior to any revocation of a permit.
- (b) When, in the opinion of the District Engineer, a violation of Rule .0210 of this Section has occurred, he shall so notify the permit holder/sign owner for the outdoor advertising structure by certified mail, return receipt requested, stating the factual and statutory or regulatory basis for the revocation, and include a copy of the Outdoor Advertising rules. The notification shall also state that because the structure is in violation of the provisions of the Outdoor Advertising Control Act or the rules in this Section, the structure is unlawful and a nuisance and that if the structure is not removed or made to conform to the provisions of the act or the rules within 30 days after receipt of the notification, if permitted by these rules, the Department of Transportation or its agents shall, at the expense of the permit holder/sign owner, remove the outdoor advertising structure.
- (c) An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these Rules when the permit is revoked under 19A NCAC 2E .0210 (2),(3),(11), or (12).

*History Note: Authority G.S. 136-130; 136-134;*

*Eff. July 1, 1978;*

*Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.*

### **19A NCAC 02E.0213 APPEAL OF DECISION OF DISTRICT ENGINEER TO SEC. OF TRANS.**

- (a) Should any permit applicant or permit holder/sign owner disagree with a decision of the appropriate district engineer pertaining to the denial or revocation of a permit for outdoor advertising or the determination that an outdoor advertising structure is illegal, the permit applicant or permit holder/sign owner shall have the right to appeal to the Secretary of Transportation pursuant to the procedures hereinafter set out.
- (b) Within 30 days from the time of the receipt of the decision of the district engineer, the permit applicant or permit holder/sign owner shall submit a written appeal to the Secretary of Transportation setting forth with particularity the facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary by certified mail, return receipt requested, with a copy to the district engineer.
- (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the District Engineer's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision, supported by findings of fact and conclusions of law. The final agency decision shall be served upon the appealing party by certified mail, return receipt requested, no later than 90 days after the Secretary receives the written appeal. A copy of the final agency decision shall also be mailed to the district engineer.
- (d) Judicial review of the final agency decision is governed by G.S. 136-134.1.

*History Note: Authority G.S. 136-130; 136-133; 136-134;  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; November 1, 1993; November 1, 1991; June 15,  
1981.*

**19A NCAC 02E. 0214      STANDARDS FOR DIRECTIONAL SIGNS**

(a) General - For the purposes of this Section the following directional signs are prohibited:

- (1) signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
- (2) signs which move or have any animated or moving parts;
- (3) signs located in rest areas, parklands or scenic areas.

(b) Size:

- (1) No directional sign shall exceed the following limits:  
Maximum area      150 square feet;  
Maximum height      20 feet; and  
Maximum length      20 feet.
- (2) All dimensions include border and trim, but exclude supports.

(c) Lighting - Directional signs may be illuminated, subject to the following:

- (1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited;
- (2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway or NHS route or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited; and
- (3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) Spacing:

- (1) Each location of a directional sign must be approved by the division of highways;
- (2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other controlled access highways (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way);
- (3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area;
- (4) No two directional signs facing the same direction of travel shall be spaced less than one mile apart;
- (5) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
- (6) Directional signs located adjacent to the interstate system shall be within 75 air miles of the activity; and
- (7) Directional signs located adjacent to the primary system shall be within 50 air miles of the activity.



(e) Message Content. - The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route number, or exit numbers.

(f) Selection Criteria:

- (1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena, scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.
- (2) Privately owned attractions or activities must be nationally or regionally known. For purposes of this rule the following meanings shall apply:
  - (A) Nationally known means the attraction has drawn attention through various forms of media within the continental United States; and
  - (B) Regionally known means the attraction is known in a specific region of the state such as the mountains, piedmont, or coastal region, through published articles or paid advertisements available to a regional audience.

*History Note: Authority G.S. 136-130; 136-129;  
Eff. July 1, 1978;  
Amended Eff. August 1, 2000; November 1, 1993.*

#### **19A NCAC 02E .0215 PERMITS FOR DIRECTIONAL SIGNS**

A permit shall be required for the construction or maintenance of any directional sign permitted by Rule .0214 of this Subchapter, except that no permit shall be required to erect or maintain directional signs to religious sites or for the construction and maintenance of official signs and notices, public utility signs, service club and religious notices, and public service signs, as defined by Rule .0201 (10)(a), (b), (c), and (18) of this Subchapter. An initial fee of forty dollars (\$40.00) shall be paid with each application for a permit. An annual renewal of each permit, along with a renewal fee of thirty dollars (\$30.00), shall be required in order to maintain such directional signs. Permit and renewal of the permits may be obtained from the district engineer.

*History Note: Authority G.S. 136-130; 136-133;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; July 1, 1986, March 1, 1983, June 15, 1981;  
Temporary Amendment Eff. November 1, 1999;  
Amended Eff. August 1, 2000.*

### **19A NCAC 02E .0216      SPECIFIC SERVICE SIGNING (LOGO) PROGRAM**

The Specific Service Signing Program, hereinafter "Program", provides eligible businesses with the opportunity to be listed on official signs within the right-of-way of fully controlled access highways. The Traffic Engineering and Safety Systems Branch is responsible for administering the program and receiving requests for information concerning the Program. Requests for information may be directed to the State Traffic Engineer, Division of Highways, Department of Transportation, 1561 Mail Service Center, Raleigh, NC 27699-1561. Division Engineers, for the division in which the interchange is located, are responsible for receiving and distributing applications and copies of policies and procedures, executing agreements and administering the agreements.

*History Note:*      Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);  
Eff. April 1, 1982;  
Amended Eff. April 1, 1994; October 1, 1993; October 1, 1991;  
Temporary Amendment Eff. October 13, 2003;  
Amended Eff. January 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.

### **19A NCAC 02E .0217      SPECIFIC INFORMATION PROGRAM DEFINITIONS**

#### **19A NCAC 02E .0218      LOCATION OF PANELS**

*History Note:* Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f);  
24 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);  
Eff. April 1, 1982;  
Amended Eff. August 1, 1998; September 1, 1984; April 1, 1994; October 1, 1993;  
October 1, 1991; April 1, 1986; November 1, 1985;  
Temporary Repeal Eff. October 13, 2003;  
Repealed Eff. January 1, 2004.

### **19A NCAC 02E .0219      ELIGIBILITY FOR PROGRAM**

*History Note:*      Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);  
Eff. April 1, 1982;  
Amended Eff. August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992;  
October 1, 1991; November 1, 1987;  
Temporary Amendment Eff. October 13, 2003;  
Amended Eff. October 1, 2014; January 1, 2004;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.



**19A NCAC 02E .0220**      **COMPOSITION OF BUSINESS PANELS AND LOGO**  
**SIGNS**

*History Note:*      Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f);  
Eff. April 1, 1982;  
Amended Eff. August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992;  
October 1, 1991; November 1, 1987;  
Temporary Amendment Eff. October 13, 2003;  
Amended Eff. October 1, 2014; January 1, 2004;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.

**19A NCAC 02E .0221**      **FEES**

- (a) All logo signs, to which individual Logo Signing Program business panels are attached, shall be constructed, owned, and maintained by the Department. The participating logo business shall pay an annual fee as set forth in this Rule.
- (b) The annual fee for participation in the Logo program shall be three hundred dollars (\$300.00) for each mainline, ramp, and trailblazer panel. Every participating business shall have a contract that automatically renews annually.
- (c) The participating logo business shall provide a new or renovated business panel when necessary due to damages caused by acts of vandalism, accidents, or natural causes including natural deterioration. If the Department replaces a business panel on a logo sign or removes or masks a business panel because of seasonal operation, there shall be no additional charge to the business.
- (d) The fee shall be paid by check or money order and shall be due in advance of the period of service covered by the fee. Failure to pay a fee when due shall be grounds for removal of the business panels and termination of the contract.

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

## **19A NCAC 02E .0222      CONTRACTS WITH THE DEPARTMENT**

*History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f); Eff. April 1, 1982; Amended Eff. July 1, 2000; August 1, 1998; December 1, 1994; October 1, 1993; October 1, 1992, September 1, 1990; Temporary Repeal Eff. October 13, 2003; Repealed Eff. January 1, 2004.*

## **19A NCAC 02E .0223      APPEAL OF DECISION OF DIVISION ENGINEER TO SECRETARY**

*History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750, Subpart A; 23 U.S.C. 131(f); Eff. April 1, 1982; Amended Eff. October 1, 1993; Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*

## **19A NCAC 02E .0224      SCENIC BYWAYS**

- (a) Outdoor advertising is prohibited adjacent to any highway designated as a scenic byway by the Board of Transportation after the date of the designation as scenic, regardless of the highway classification, except for outdoor advertising permitted in G.S. 136-129 (1), (2), (2a) or (3).
- (b) All lawfully erected outdoor advertising signs adjacent to a Scenic Byway that is on a controlled route for outdoor advertising shall become nonconforming signs and shall be subject to all applicable outdoor advertising regulations provided in 19A NCAC 02E.0200. Any sign erected on a controlled route adjacent to a Scenic Byway after the date of official designation shall be an illegal sign as defined in G.S. 136-128 and G.S. 136-134.
- (c) Permits shall not be required for signs adjacent to scenic byways which were not on a controlled route for outdoor advertising. The department shall maintain an inventory of signs that were in existence at the time the route was designated a Scenic byway. Any sign erected after its designation as a Scenic Byway, except for outdoor advertising permitted in G.S. 136-129(1), (2), or (3), shall be an illegal sign as defined by G.S. 136-128 and G.S. 136-134.
- (d) Outdoor advertising signs adjacent to Scenic Byways that are not required to obtain permits are nonetheless governed by the rules in this section.

*History Note: Authority G.S. 136-129.2; Eff. August 1, 2000.*

(a) Signs may not be serviced from or across the right of way of freeways or from or across controlled access barriers or fences of controlled routes.

(b) Conforming signs may be altered within the limits of the rules in this Section.

(1) A conforming sign that has been destroyed or significantly damaged may be reconstructed within the limits of the rules in this Section by notifying the district engineer in writing of any substantial changes that would affect the original dimensions of the initial permit application.

(2) Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with any applicable state, federal or local rules, regulations or ordinances.

(c) Alteration to a nonconforming sign or sign conforming by virtue of the grandfather clause is prohibited. Reasonable repair and maintenance are permitted including changing the advertising message or copy. The following activities are considered to be reasonable repair and maintenance:

(1) Change of advertising message or copy on the sign face;

(2) Replacement of border and trim;

(3) Repair and replacement of a structural member, including a pole, stringer, or panel, with like material;

(4) Alterations of the dimensions of painted bulletins incidental to copy change; and

(5) Any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign face or faces are reduced they may not thereafter be increased beyond the size of the sign on the date it became nonconforming.

(d) The addition of lighting or illumination to existing nonconforming signs or signs conforming by virtue of the grandfather clause is specifically prohibited as reasonable maintenance; however, such lighting may be permanently removed from such sign structure.

(e) A nonconforming sign or sign conforming by virtue of the grandfather clause may continue as long as it is not abandoned, destroyed, discontinued, or significantly damaged.

(f) When the combined damage to the face and support poles appears to be significant, as defined in 19A NCAC 02E .0201(29), the sign owner may request the Department to review the damaged sign, including salvageable sign components, prior to repairs being made. Should the sign owner perform repairs without notification to the Department, and the Department later determines the damage is greater than 50% of the combination of the sign face and support pole(s), the permit may be revoked. To determine the percent of damage to the sign structure, the only components to be used to calculate this value are the sign face and support pole(s). The percent damage shall be calculated by dividing the unsalvageable sign components by the original sign structure component quantities, using the following criteria:

(1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be 50% and the percentage of damage attributable to sign face shall be 50%;

(2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be 80% and the percentage of damage attributable to sign face shall be 20%; and

(3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be 80% and the percentage of damage attributable to sign face shall be 20%.

*History Note: Authority G.S. 136-130; 136-89.58;  
Eff. August 1, 2000;  
Amended Eff. August 1, 2000.*

**19A NCAC 02E .0226 ORDER TO STOP WORK ON UNPERMITTED OUTDOOR  
ADVERTISING**

*History Note: Authority G.S. 136-130; 136-133;  
Temporary Adoption Eff. November 16, 1999;  
Eff. August 1, 2000;  
Repealed Eff. January 1, 2021.*

**19A NCAC 02E .0301 UNZONED INDUSTRIAL AREA**

(a) For purposes of the Junkyard Control Act, unzoned industrial area shall mean the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within 1,000 feet thereof which is:

- (1) located on the same side of the highway as the principal part of said activity; and
- (2) not predominantly used for residential or commercial purposes; and
- (3) not zoned by state or local law, regulation or ordinance.

(b) "Industrial activities," for purposes of this definition, shall mean those permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the state, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the state, except that none of the following shall be considered industrial activities:

- (1) outdoor advertising structures;
- (2) agricultural activities including ranching, farming, grazing and such necessarily related activities as are generally carried on by a farmer on his own premises, including, but not limited to, wayside fresh produce stands;
- (3) forestry activities which include growing of timber, thinning, felling and logging of timber or pulpwood;
- (4) transient or temporary activities;
- (5) activities not visible from the traffic lanes of the main-traveled way;
- (6) activities more than 1,000 feet from the nearest edge of the right of way;
- (7) activities conducted in a building principally used as a residence;
- (8) railroad tracts other than yards, minor sidings, and passenger depots;
- (9) junkyards, as defined in Section 136, Title 23, United States Code.

*History Note: Authority G.S. 136-151;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993.*

## **19A NCAC 02E .0302 PERMITS**

*History Note: Authority G.S. 136-151; 136-149;  
Eff. July 1, 1978;  
Repealed Eff. December 1, 1993.*

## **19A NCAC 02E .0303 FEES**

(a) The application fee for the Application for Junkyard payment shall be fifteen dollars (\$15.00).  
(b) The Application for Junkyard Permit is available from the Division Engineer having jurisdiction in the county where the proposed or existing junkyard is located. The Application for Junkyard Permit allows an applicant to request a permit number for the establishment or continued maintenance of a junkyard in accordance with the provisions of the Junkyard Control Act, Article 12, Chapter 136 of the General Statutes of North Carolina (Junkyard Control Act). Applications for Junkyard Permits shall require the applicant to provide the following information:

- (1) applicant's name and address;
- (2) whether the junkyard is proposed or already existing;
- (3) if already existing, the date the junkyard was established;
- (4) the proposed or already existing location of the junkyard; and
- (5) certification by the applicant that approval for the proposed or already existing junkyard operations have been obtained from the owner of the real property, or the property owner's authorized agent, on which the junkyard is located or proposed to be located.

(c) Permit numbers shall only be provided to an applicant upon payment of the application fee, and approval by the District Engineer that the junkyard is in compliance with the Junkyard Control Act. If the junkyard is proposed, meaning the Application for Junkyard Permit is to establish a junkyard, the Division Engineer will keep the application on file at the district office. Once the junkyard is in existence, the District Engineer shall approve the Application for Junkyard Permit if, upon inspection, the junkyard is found to conform to the provisions of the Junkyard Control Act.

(d) An annual renewal of each permit shall be required to maintain junkyards within 1,000 feet of the right-of-way of interstate and federal-aid primary highways. In December of each year, the Department will send to the permittee a renewal invoice for payment of the junkyard permit annual renewal fee. The renewal fee shall be five dollars (\$5.00), due on December 15<sup>th</sup> of each year, and paid to the District Engineer having jurisdiction. The permit shall be renewed upon payment of the annual renewal fee.

*History Note: Authority G.S. 136-149; 136-151;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2019.*

## **19A NCAC 02E .0401      PENALTY IMPOSED FOR VIOLATION OF ORDINANCES**

*History Note: Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1993.*

## **19A NCAC 02E .0402      PILING OBSTRUCTIONS ON HIGHWAYS OR WITHIN RIGHT OF WAY**

It shall be unlawful to pile, place, or leave, any trash, refuse, garbage, lumber, logs, cordwood, tree-laps, scrapped automobile, scrapped truck or part thereof, or any other material upon any road, highway, or shoulders thereof, within the right-of-way, or over the ditches or drainways of any road or highway of the State highway system.

*History Note: Authority G.S. 136-18(5); 136-90;  
Eff. July 1, 1978;  
Readopted Eff. July 1, 2019.*

## **19A NCAC 02E .0403      DEPOSITING MUD ON STATE HIGHWAYS**

No person operating a vehicle with "dual wheels" or a vehicle equipped with four-wheel drive shall track mud onto any paved portion of any State highway so as to create a safety hazard to the traveling public.

*History Note: Authority G.S. 136-18(5); 136-90;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Readopted Eff. July 1, 2019.*

## **19A NCAC 02E .0404      HIGHWAY OBSTRUCTIONS INTERFERING WITH TRAFFIC MAINTENANCE**

- (a) It shall be unlawful to place any highway obstruction, including, but not limited to, a driveway headwall, fence, rural mailbox, newspaper delivery box, or other roadside obstruction, so as to interfere with the traffic or maintenance of the roads and highways of the State highway system.
- (b) If the Department determines that any highway obstruction, constitutes a roadside collision hazard, the highway obstruction shall be removed by the person or entity responsible for placing the obstruction within the right-of-way within 30 days of receipt of written notice from the Department. Only mailboxes or newspaper delivery boxes with 4" x 4" wooden or small diameter metal posts shall be permitted on road additions made to the State highway system after May 3, 1990. If determined to be a roadside collision hazard, the location of any brick column, mailboxes, or newspaper delivery boxes, on rigid stands such as block, stone, or any other type of material, shall be prohibited within the State highway system right-of-way.
- (c) If a person fails to remove the highway obstruction in accordance with Paragraph (b) of this Rule, the Division Engineer may take action to remove the obstruction and bill the responsible party for the expense.

*History Note:* Authority G.S. 136-18(5); 136-90;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; October 1, 1991;  
Readopted Eff. July 1, 2019.

#### **19A NCAC 02E .0405 DAMAGE TO STATE HIGHWAY SYSTEM SURFACE OR SHOULDER**

It shall be unlawful to move on, over, or across the surface or shoulder of any State highway system bridge, road, or highway, any object, tractor, engine, farm equipment, or vehicle of any kind that has wheels or objects attached that could cut, mutilate, or damage the surface or shoulder of any State highway system bridge, road, or highway without the written permission of the Chief Engineer's office. The Chief Engineer or the Chief Engineer's designee shall consider factors such as the ability of the road or bridge to handle the equipment without damage, planned protection of the roadway or bridge to prevent damage, planned traffic control and law enforcement assistance to safely move the equipment, and day and time of the planned move to evaluate potential disruptions to the traveling public.

*History Note:* Authority G.S. 20-115; 20-119; 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Readopted Eff. July 1, 2019.

#### **19A NCAC 02E .0406 VEHICLES SERVED BY SERVICE STATION**

*History Note:* Authority G.S. 136-18(5); 136-90;  
Eff. July 1, 1978;  
Repealed Eff. July 1, 2019.

#### **19A NCAC 02E .0407 CONTROL AND REGULATION OF ROADSIDE PARKS AND REST AREAS**

(a) It shall be unlawful, within any scenic service overlook, rest area, or other designated parking area on the primary and secondary roads and highways of the State, for any person, firm, or corporation to erect tents, booths, or structures of any kind for camping or any other activity; to create, cause, or allow any unreasonably loud or disturbing noise; to solicit contributions, names, support, or for any other purpose, except as permitted pursuant to Section .0800 of this Subchapter to conduct or participate in public or private auctions and other ceremonies; to distribute tracts, pamphlets, favors or any material, product or literature; to erect displays, signs, or carry on any commercial activity; to use public address such as loud speakers; to distribute or use alcoholic beverages; endanger the life, property, and welfare of the traveling public.

(b) For the purposes of this Rule, the following definitions apply.

- (1) "Unreasonably loud noise" means a noise which is incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace, order, or calm of the area, or which is obnoxious to, or



unreasonably disturbing to, a person whose residence, work, or commercial enterprise is within a reasonable proximity to the point, place, or person from whom the noise is emanating, or emanated, and the noise is of such a kind, nature, duration, or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.

- (2) "Disturbing noise" means a noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, and calm of such person, or persons, or tending to annoy, disturb, or frighten such persons in such proximity to the point, place, or person from whom the noise is emanating, or emanated.

*History Note:* Authority G.S. 136-18(9); 136-125;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1991; August 1, 1986;  
Readopted Eff. July 1, 2019.

#### **19A NCAC 02E .0408 FISHING FROM BRIDGES**

It shall be unlawful to fish from any bridge on any interstate or other controlled access highway.

*History Note:* Authority G.S. 136-18(5); 136-89.50; 153A-242; 160A-302.1;  
Eff. July 1, 1978;  
Readopted Eff. July 1, 2019.

#### **19A NCAC 02E .0409 OPERATING NONMOTORIZED VEHICLES**

Unless otherwise authorized by the Board of Transportation, it shall be unlawful for any person to ride any animal, or to operate a bicycle, horse drawn wagon, or any nonmotorized vehicle or moped on any interstate or controlled access highway.

*History Note:* Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Amended Eff. June 15, 1981;  
Readopted Eff. July 1, 2019.



#### **19A NCAC 02E .0410      HITCHHIKING ON INTERSTATE OR CONTROLLED ACCESS HIGHWAYS**

(a) It shall be unlawful for any person to hitchhike or to solicit rides, or for the driver of any vehicle to stop for the purpose of picking up one who is hitchhiking or soliciting a ride, on any interstate or controlled access highway.

(b) This Rule shall not shall prohibit an operator or passengers in a vehicle stopped on a controlled access facility by reason of any emergency, mechanical failure, or other failure of the vehicle to operate, from requesting aid or soliciting a ride, nor does it prohibit the operator of any other vehicle from stopping to render aid or assistance and giving rides in such situations.

*History Note: Authority G.S. 136-18(5); 136-89.50;  
Eff. July 1, 1978;  
Readopted Eff. July 1, 2019.*

#### **19A NCAC 02E .0411      JUMPING FROM BRIDGES**

*History Note: Authority G.S. 136-18(5); 150B-21.3A;  
Eff. July 1, 1978;  
Repealed Eff. July 1, 2019.*

#### **19A NCAC 02E .0412      AIRCRAFT LANDING AND TAKING OFF ON HIGHWAYS**

(a) It shall be unlawful for aircraft to take-off or land on any road or highway of the State Highway System, unless authorized by the Chief Engineer, in writing. The Chief Engineer may authorize take-off or landing on any road or highway of the State Highway System based upon the following: (1) a showing of good cause, which may include issues of national security, safety of the general public, or natural disasters; and (2) arrangements have been made for law enforcement officials to redirect or administer Vehicular traffic on the highway during the landing or take-off. (b) Nothing in this Rule shall prohibit an aircraft from landing on any roads or highways in an emergency situation if the landing is necessary to prevent injury or death to the occupants of the aircraft, provided that the emergency landing can be made without danger to persons and vehicles on or near the highway. After an emergency landing, take-off by the aircraft may be permitted under the direction of a law enforcement officer if it is determined by the law enforcement officer that the take-off will not endanger persons or vehicles on the highway and there are no other practical nor feasible means of removing the aircraft.

*History Note: Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Temporary Amendment Eff. March 15, 1982, for a Period of 47 Days to Expire on May 1, 1982;  
Temporary Amendment Expired Eff. May 1, 1982;  
Amended Eff. December 1, 2012; October 1, 1982;  
Readopted Eff. March 1, 2019.*

**19A NCAC 02E .0413      PARADES ON HIGHWAY SYSTEM ROADS**

It shall be unlawful for any person, firm, organization, school, or other group of persons to conduct or participate in a parade on any street or highway of the State Highway System located outside the limits of a municipality.

*History Note: Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Readopted Eff. February 1, 2019.*

**19A NCAC 02E .0414      PARKING VEHICLE FOR SALE OR DISTRIBUTION OF GOODS**

It shall be unlawful to sell any fruits, vegetables, goods, wares, or merchandise of any character from a vehicle, stand, or structure, or from any place on the right-of-way of any primary or secondary highway, or road of the State Highway System.

*History Note: Authority G.S. 136-18(5);  
Eff. July 1, 1978;  
Readopted Eff. February 1, 2019.*

**19A NCAC 02E .0415      ADVERTISING SIGNS WITHIN RIGHT OF WAY**

It shall be unlawful for any person, firm, or corporation to erect, place, or allow any advertising, or other sign, except regulation traffic and warning signs approved by the Department, on any highway or the right-of-way thereof, or so as to overhang the right-of-way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on any highway right-of-way which is situated over any land owned, rented, leased, or claimed by such person, firm, or corporation.

*History Note: Authority G.S. 136-18(10); 136-30;  
Eff. July 1, 1978;  
Readopted Eff. February 1, 2019.*

**19A NCAC 02E .0416      PRIVATE DRIVES OR ROADS INTERSECTING HIGHWAYS**

(a) It shall be unlawful to intersect the State highways with any private driveway or roadway, unless approved by the Department of Transportation, and provided by the party responsible for the private driveway or roadway.

(b) It shall be unlawful to obstruct any drainage ditch within the right-of-way of any road or State highway.

*History Note: Authority G.S. 136-18(10); 136-93;  
Eff. July 1, 1978;  
Readopted Eff. February 1, 2019.*

**19A NCAC 02E .0417      COMMERCIAL ENTRANCES INTERSECTING WITH RIGHT OF WAY**

It shall be unlawful to revise or construct any commercial entrances to intersect with the right-of-way of any primary or secondary highway, or road of the State Highway System, unless a permit has first been obtained from the Department of Transportation, or its duly authorized officers and employees, in accordance with the rules contained in 19A NCAC 2B, Section .0600, titled "Driveway Entrances".

*History Note: Authority G.S. 136-18(10); 136-93;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; October 1, 1991;  
Readopted Eff. February 1, 2019.*

**19A NCAC 02E .0418      FENCING WITHIN RIGHT OF WAY**

It shall be unlawful for any person to erect a fence, of any kind, within the right-of-way limits of any highway, except upon the written permission of the Chief Engineer's Office upon a showing that the change in fencing is beneficial to the public.

*History Note: Authority G.S. 136-18(10); 136-93;  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Readopted Eff. March 1, 2019.*

**19A NCAC 02E .0419      CULTIVATING CROPS AND MAINTAINING PASTURES WITHIN ROW**

It shall be unlawful for any person to plant, cultivate, or grow any crop, or to maintain any pasture or pasture grass, within the right-of-way limits of any highway, unless written permission from the Chief Engineer's Office has been obtained upon a showing that the change in cultivating, growing or maintenance of crops is beneficial to the public.

*History Note: Authority G.S. 136-18(10); 136-93; 143B-350(f);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Readopted Eff. March 1, 2019.*

#### **19A NCAC 02E .0420 CONSTRUCTION WITHIN RIGHT OF WAY**

(a) Unless authorized in writing by the Chief Engineer's Office upon a showing that the change in construction within the right-of-way is beneficial to the public, it shall be unlawful for any person or firm to construct, place, or erect any of the following, or any combination thereof, over any road, highway, or right-of-way of the State Highway System:

- (1) power, broadband, telephone, or other poles;
- (2) signboards or fences;
- (3) water, gas, oil, petroleum products, steam chemicals, sewage, drainage, irrigation, or other pipelines; or
- (4) wires, cables, or other obstructions.

(b) Rules for the preparation and submission of applications for utility encroachments shall be found at 19A NCAC 02B .0500.

*History Note: Authority G.S. 136-18(10); 136-93;  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012;  
Readopted Eff. March 1, 2019.*

#### **19A NCAC 02E .0421 UTILITY WIRES OR CABLES OVER HIGHWAYS**

(a) For purposes of this Rule, the American National Standards Institute's National Electrical Safety Code (ANSI Code) is incorporated by reference and includes any subsequent amendments and editions. The ANSI Code may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, P.O. Box 1331, Piscataway, New Jersey 08855-1331, telephone number 1-800-678-IEEE, website <https://webstore.ansi.org>, at a cost of forty-three dollars and fifty cents (\$43.50).

(b) It shall be unlawful to construct any power, telephone, television, telegraph, or any other utility wires or cables over highways or roads on the State Highway System unless such wires have the minimum vertical clearance above the highest elevation of the road or highway crossed by them as set forth in the ANSI Code for the installation and maintenance of electric supply and communication lines, except as set forth in Paragraph (c) of this Rule.

(c) A minimum vertical clearance of 18 feet shall be maintained for overhead power and communication lines crossing all highways. The lateral and vertical clearance from bridges shall conform with the ANSI Code; however, greater clearances at bridges may be required by the Department of Transportation to provide for bridge construction and maintenance. Parallel utility lines occupying highway right-of-way shall maintain a minimum vertical clearance as required in the National Electrical Safety Code.

(d) Rules for the preparation and submission of applications for utility encroachments can be found in 19A NCAC 02B .0500.

*History Note: Authority G.S. 136-18(10); 136-89.50; 136-93;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993; November 1, 1991;  
Readopted Eff. March 1, 2019.*

#### **19A NCAC 02E .0422      USE OF RUNAWAY TRUCK RAMPS**

It shall be unlawful for any operator of a motor vehicle, non-motorized vehicle, moped, bicycle, or any pedestrian or any person having custody or control of any animal or animal powered vehicle to park on, stand upon, obstruct, or otherwise use any runaway truck ramp, as designated by signs, except to bring an out-of-control vehicle to a halt.

*History Note: Authority G.S. 136-18(5);  
Eff. August 10, 1981;  
Readopted Eff. February 1, 2019.*

#### **19A NCAC 02E .0423      REGULATION OF AIRPORT CONSTRUCTION**

(a) In order to preserve safe clearances between highways and airways, except as otherwise provided by this Rule, all construction or alteration of airports or aircraft landing areas on any part of land adjoining any public highway or in close proximity, shall be in conformity with the Federal Air Regulations, Title 14, Chapter I, Part 77, Subpart C, Code of Federal Regulations, which is incorporated by reference into this Rule, includes any subsequent editions or amendments. The document is available from the Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328, at a cost of twenty nine dollars (\$29.00).

(b) No such construction or alteration shall be undertaken without having first obtained a written permit from the North Carolina Department of Transportation or its duly authorized officers. All construction or alteration shall be in accordance with the written permit. No permit shall be issued if the proposed construction or alteration is not in accordance with subsection (a) above. Except for highways on the Federal-aid highway system, the Board of Transportation may, however, in its discretion, authorize a permit at variance with the foregoing Federal Aviation Administration standards when it determines that the construction or alteration of the aircraft landing area will not result in a public road being a hazard to air navigation.

(c) Any person, firm, or corporation seeking a permit for the construction or alteration of any airport or aircraft landing areas shall, at the time application is made for said permit, submit to the North Carolina Department of Transportation the plans and designs of the proposed construction or alteration, along with such estimates and supporting data as the department may require. The estimates and data required may include, but shall not necessarily be limited to, topographical surveys of the airport or aircraft landing area site and surrounding areas, including the proposed construction or alteration, with particular references to highways in the vicinity; hydrographic surveys, with particular reference to the effect that the proposed construction or alteration will have upon drainage patterns; area maps, and airport traffic patterns and approach surfaces.

(d) The provisions of this ordinance shall not apply to publicly owned and operated airports and aircraft landing areas receiving Federal funds and subject to regulation by the Federal Aviation Administration, nor shall the provisions of this ordinance be construed to prohibit necessary repairs from being made to or on any airport facilities regardless of their present location.

*History Note: Authority G.S. 136-18(22);  
Eff. November 1, 1985;  
Amended Eff. November 1, 1993;  
Readopted Eff. July 1, 2019.*

## **19A NCAC 02E .0424 TWIN TRAILERS ACCESS ROUTES**

*History Note: Authority G.S. 20-115.1; Board of Transportation minutes on November 18, 1989;*

*Eff. September 1, 1990;*

*Repealed Eff. November 1, 1991.*

## **19A NCAC 02E .0425 ACCESS ROUTES/SEMI-TRAILER TRUCKS WITH 48/53 FOOT TRAILERS**

*History Note: Authority G.S. 20-115.1; 20-116;*

*Eff. October 1, 1991;*

*Repealed Eff. November 1, 1991.*

## **19A NCAC 02E .0426 ACCESS ROUTES FOR STAA DIMENSIONED VEHICLES**

The definitions and requirements set forth in this Rule shall apply to access routes for Surface Transportation Assistance Act (STAA) dimensioned vehicles.

### **(1) Definitions.**

- (a) "Twin trailer truck" means a vehicle combination consisting of a truck-tractor and two trailing units, with a width not to exceed 102 inches, as authorized by G.S. 20-115.1.
- (b) "The National Truck Network" means a network of interstate, federal-aid primary, and other highway routes within the State that have been designated by the Department for motor vehicle combination use pursuant to G.S. 20-115.1(g) or the United States Secretary of Transportation for STAA dimensioned vehicle use. State highway system roads designated by the Department pursuant to G.S. 20-115.1(g) shall herein be referred to as the "North Carolina Truck Network."
- (c) "Terminal" means any location where:
  - (i) freight either originates, terminates, or is handled in the transportation process; or
  - (ii) commercial motor carriers maintain operating facilities.
- (d) "Vehicle Template" means a drawing of the radius of a twin trailer turn used to determine the route design necessary to accommodate the vehicle.
- (e) "Short-cut" means a route used for the purpose of connecting two National or North Carolina Truck Network routes.

### **(2) Reasonable Access Requirements.**

- (a) No filing or authorization by the Department shall be required for access to terminals and service facilities located within three road miles of the National or North Carolina Truck Network.

- (b) The following requirements shall apply for access to terminals located beyond three road miles from the National or North Carolina Truck Network.
- (i) Access routes approved prior to June 1, 1991, for any one particular type of STAA dimensioned vehicle are approved for all STAA dimensioned vehicles for access purposes only.
  - (ii) Terminal officials and truck operators shall submit an application for a proposed new access route to the State Traffic Engineer of the Department for approval. The application shall be provided by the State Traffic Engineer. The contents of the application shall include the type of route designation requested, and name and contact information of the requesting party. The submittal shall also include a map, or photocopy of a portion of a map, showing the proposed access route(s) or changes to an existing approved access route(s) and the terminal location. The State Traffic Engineer may be reached at 919-814-5100 or 750 N. Greenfield Parkway, Garner, North Carolina 27529.
  - (iii) The State Traffic Engineer may seek advice from the State Highway Patrol, the Division of Motor Vehicles, or other law enforcement officials concerning the application.
  - (iv) Public notice of all applications for "reasonable access" pursuant to Sub-Item (2)(c) of this Rule shall be published by the Department of Transportation in a newspaper circulated in the area of the State where access is requested. The notice shall be published at least once a week on the same day of the week for two consecutive weeks. Governing bodies of incorporated municipalities shall be notified by the Department of all applications within their jurisdictions.
  - (v) The State Traffic Engineer shall approve or deny all applications for proposed new accessed routes based upon the application of vehicle templates, roadway plans, and photographs. If plans or photographs are not available or the use of vehicle templates is not practical, the terminal official or truck operator shall provide a STAA dimensioned test vehicle and driver for the purpose of observing the test vehicle traverse the requested access route.
  - (vi) Safety factors that shall be taken into consideration when reviewing and evaluating requested access route shall include, traffic congestion, traffic volume, route length, vehicle mix, geometric design of the highway, intersection geometrics, width of the shoulders, width of the pavement, super-elevation of the pavement, pavement conditions, at-grade railroad crossings, stopping sight distance, percentage passing sight distance, speed limits, vertical and horizontal alignments, ability of other vehicles to pass trucks, width of bridges, previous accident statistics, and location of schools.
  - (vii) Short-cut routes shall not be authorized by this Rule. Such a route shall be considered for designation as an addition to the National or

North Carolina Truck Network by the Department pursuant to G.S. 20-115.1(g).

- (viii) The State Traffic Engineer shall approve or reject any application submitted pursuant to this Sub-item within 90 days of receipt. The State Traffic Engineer shall provide notification and justification for any approval or rejection to the applicant and law enforcement officials. Automatic approval of a requested access route shall be provided if such notification is not received within the 90-day period.
- (c) The Department shall notify State and local law enforcement officers of an approved "reasonable access" route that serves each terminal within the jurisdiction of the enforcement agency. The State Traffic Engineer shall also make available to terminal officials and commercial motor vehicle operators information regarding reasonable access to and from the National or North Carolina Truck Network.
- (d) The Department may, at any time subsequent to approval, revoke any routes designated as a "reasonable access" route based on safety considerations. Terminal officials, truck operators, and law enforcement officials shall be notified in writing 30 days prior to any revocation.
- (e) Any STAA dimensioned vehicle traveling an access route shall have on board an cargo manifest.
- (f) A terminal official, truck operator, or an state and local law enforcement officer may appeal the rulings concerning an access route made by the State Traffic Engineer to the Secretary of Transportation. In giving notice of appeal, the documentation to support reasons for believing that the determination of the State Traffic Engineer was erroneous shall be provided. The decision of the Secretary of Transportation shall be the final agency decision.

*History Note: Authority G.S. 20-115.1; 136-18; 143B-350;  
Board of Transportation Minutes for November 18, 1988;  
Eff. November 1, 1991;  
Amended Eff. November 1, 1993;  
Readopted Eff. July 1, 2019.*

#### **19A NCAC 02E .0427      MULTI-USE PATHS**

- (a) Authorization for a municipality to construct and maintain multi-use paths on State highway system rights-ofway shall be provided through an encroachment agreement between the municipality and Department. The encroachment agreement shall specify the conditions of approval.
- (b) The municipality shall submit multi-use path plans with a standardized encroachment agreement to the local highway Division Engineer for review and approval. Encroachment agreements shall include provisions indicating that the municipality is responsible for the following:
  - (1) design, construction, signage, and maintenance of the proposed multi-use paths;



(2) submitting design and construction plans to the local highway Division Engineer for review and approval prior to bidding for construction; and

(3) relocating the proposed multi-use trail if the highway right-of-way is required for the purpose of road widening by the Department.

(c) A proposed encroachment agreement shall be approved by the Division Engineer upon a determination that the proposed multi-use path is safe and does not conflict with planned highway improvements that have been recommended in an adopted transportation plan.

(d) If a proposed multi-use path utilizes State highway system rights-of-way acquired through the use of federal aid highway funds, then approval shall be obtained from the Federal Highway Administration.

History Note: *Authority G.S. 136-71.9; 136-71.10;*

*Eff. July 1, 1978;*

*Amended Eff. October 1, 1993;*

*Transferred and Recodified from 19A NCAC 2B .0161 Eff. October 1, 1993.*

*Readopted Eff. July 1, 2019*

#### **19A NCAC 02E .0601 SELECTIVE VEGETATION REMOVAL PERMIT REQUIRED TO REMOVE VEGETATION FROM STATE HIGHWAY RIGHT OF WAY**

(a) Selective cutting, thinning, pruning, or removal of vegetation within highway rights of way may be permitted only for opening views to business facilities and legally erected forms of outdoor advertising as described in G.S. 136-93(b), that are located adjacent to State highway rights of way. For purposes of selective vegetation removal permitting "business facilities," hereinafter referred to as facilities, are defined as office, institutional, commercial, and industrial buildings. In accordance with G.S. 136-93.3, "agritourism activities" as defined in G.S. 99E-30 are considered facilities under this Section. The following requirements apply to facilities under this Section:

- (1) all facilities, except for agritourism activities shall include at least one permanent structural building;
- (2) the building shall have all required local and State permits, be related to the facility's function, and be open and operational on a year-round basis; and
- (3) any cutting, thinning, pruning, or removal of vegetation allowed pursuant to G.S. 136-93(b), shall be performed by the permittee or his agent at no cost to the Department of Transportation and shall comply with this Section.

(b) For purposes of this Section, agritourism activities include any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. The following requirements apply to agritourism activities under this Section:

- (1) the agritourism activities shall be open for business at least four days per week, with a minimum of 32 hours per week, and at least 10 months of the year; and
- (2) the applicant shall certify that the activities for a selective vegetation removal permit qualify as an agritourism activity. The Department may require additional documentation from the applicant if the requested site's compliance as eligible agritourism activities remains in question.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-93(b); 136-93.3;  
Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1,  
1982;  
Eff. June 1, 1982;  
Amended Eff. January 1, 2015; November 1, 2012; June 2, 1982.*

**19A NCAC 02E .0602 REQUESTS FOR SELECTIVE VEGETATION REMOVAL  
PERMITS FOR A FACILITY**

(a) Applications for selective vegetation cutting, thinning, pruning, or removal (exclusive of grasses) at a facility shall be made by the owner of the facility to the appropriate Division Engineer of the North Carolina Department of Transportation, Division of Highways. Applications shall be submitted in both printed and electronic form. Applications for selective vegetation removal permits shall include the following information:

- (1) applicant contact information;
- (2) name and location of the facility;
- (3) indication of request being for a business facility or agritourism activity;
- (4) municipal review indication, if applicable;
- (5) requested use of and site access for power-driven equipment in accordance with Rule .0604(22) of this Section;
- (6) performance bond or certified check or cashier's check pursuant to G.S. 136-93;
- (7) if using a contractor for vegetation removal work, identify the contractor and their qualifications if contractor is not listed on the Department's website directory of qualified transportation firms;
- (8) payment of non-refundable two hundred dollar (\$200.00) permit fee, pursuant to G.S. 136-18.7;
- (9) certificate of liability and proof of worker's compensation and vehicle liability insurance coverage;
- (10) geographic information system document and property tax identification number to verify location of facility in relation to municipal limits;
- (11) verification of on-site marking and tree-tagging requirements;
- (12) sketch, or amended sketch of the requested cut zone and information about trees to be cut, thinned, pruned, or removed in accordance with Rule .0604(11) of this Section;
- (13) certification that applicant has permission from the adjoining landowner(s) to access their private property, if applicable, for the purpose of conducting selective vegetation removal permit activities;
- (14) certification that the facility qualifies as an agritourism activity as required pursuant to G.S. 136-93.3; and
- (15) applicant's notarized signature.

(b) Selective vegetation cutting, thinning, pruning, or removal for opening views to facilities shall be permitted only for the permittee's facilities adjacent to highway right of way at locations where such facilities have been constructed or where agritourism activities are carried out as set forth in G.S. 136-93.3 and Rule .0601 of this Section. Complete removal of all trees and other vegetation shall not be permitted. Dogwood trees and redbud trees shall be preserved. Other trees that are not screening the facility from view and are four caliper inches and greater in diameter, measured six

inches from the ground, shall be preserved. Trees, shrubs, and other vegetation less than four caliper inches in diameter may be removed. Trees, shrubs, and other vegetation that are four caliper inches or greater in diameter as measured six inches from the ground and not to be preserved, may be cut, thinned, pruned, or removed according to approval of Department personnel designated by the Division Engineer. All vegetation cutting, thinning, pruning, or removal shall be in accordance with the current edition and subsequent amendments and editions of the American National Standard for Arboricultural Operations-Safety Requirements ANSI Z133.1, approved by the American National Standards Institute and published by the International Society of Arboriculture that is hereby incorporated. Copies of the Standard are available for inspection in the office of the State Roadside Environmental Engineer, Division of Highways, Raleigh, N.C. Copies of the Standard may be obtained from the International Society of Arboriculture (ISA) for a twenty dollars (\$20.00) cost. The ISA may be contacted at P.O. Box 3129 Champaign, Illinois 61826 or by accessing this website: <http://www.isa-arbor.com/>.

(c) Applications shall be accompanied by a sketch showing the requested limits of the selective cutting, thinning, pruning, or removal of vegetation. For facilities, the limits of selective cutting, thinning, pruning, or removal shall be restricted to one area of right-of-way adjacent to frontage property of the facility but not to exceed 1,000 contiguous linear feet. Facilities with frontage property on opposite sides of the State highway right-of-way may split the maximum vegetation removal distance between the two sides of the highway, resulting in a total of two contiguous cutting or removal distances along frontage property, with the total of the two sides not exceeding 1,000 linear feet. The permitted limits of the selective vegetation removal permit shall not be altered for subsequent applications. The applicant shall also include on the sketch the location, species, and caliper inches of all trees with a diameter of four caliper inches and greater, as measured six inches above ground level, at the time of the application and desired to be cut, thinned, pruned, or removed.

(d) The selective vegetation removal request may be reviewed on site by Department personnel and a representative of the applicant.

(e) In accordance with G.S. 136-93(d), if the application for vegetation cutting is for a site located within the corporate limits of a municipality and the municipality has previously advised the Division Engineer in writing of its desire to review such applications, the applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the Department, so the municipality shall be given the opportunity to review the application. Information regarding whether a municipality desires to review vegetation removal applications may be found on the Department website [www.ncdot.gov](http://www.ncdot.gov) or by contacting the Division Engineer's office.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-18.7; 136-93; 136-93.3; 136-130;*

*Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;*

*Eff. June 1, 1982;*

*Amended Eff. November 16, 1991; December 1, 1990; August 1, 1985; June 2, 1982;*

*Temporary Amendment Eff. November 16, 1999;*

*Amended Eff. August 1, 2000;*

*Temporary Amendment Eff. March 1, 2012;*

**19A NCAC 02E .0603      ISSUANCE OR DENIAL OF PERMIT FOR A FACILITY**

(a) Pursuant to G.S. 136-133.2, within 30 days following receipt of the application for a selective vegetation removal permit for a facility, including the fee set out in G.S. 136-18.7, the Division Engineer shall approve or deny the application. The applicant, as part of the application, shall state in writing the date that he or she has delivered a copy of the application with required attachments to a municipality that has previously advised the Department in writing that it seeks to provide comments regarding such applications. The applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the Department. The list of municipalities requesting to review applications shall be maintained and updated by the Department on the website [www.ncdot.gov](http://www.ncdot.gov). Upon receipt of the application, the Division Engineer shall have 30 days to approve or deny the application. If written notice of approval or denial is not given to the applicant within the 30-day Department review period, then the application shall be deemed approved. If the application is denied, the Division Engineer shall advise the applicant, in writing, of the reasons for denial.

(b) The application shall be denied by the Division Engineer if:

- (1) the application is for the opening of view to a facility that does not meet the requirements of Rule .0601 of the Section;
- (2) it is determined by Departmental personnel that the facility is not screened from view;
- (3) the application is for the opening of view to undeveloped property or to a facility that, due to obstructions off the right of way, is screened from view from the travel way regardless of the presence or absence of trees and other vegetation on the highway right of way;
- (4) it is determined by Department personnel that removal of vegetation shall diminish a planting installed for headlight screening and affect the safety of the traveling public;
- (5) the application is solely for providing visibility to on-premise signs;
- (6) the application is for the removal of vegetation planted in accordance with a local, State, or federal beautification project. However, if a mitigation replanting plan that is related to the site for which the vegetation permit request is made (as set forth in 19A NCAC 02E .0611 except for the provisions in Paragraph (d) and Subparagraph (g)(11)) is agreed upon in writing by the applicant, the Department, and if applicable, the Federal Highway Administration, then this subsection does not apply;
- (7) on two previous occasions, the applicant has failed to meet the requirements of a selective vegetation removal permit, unless the applicant engages a landscape contractor to perform the current work;
- (8) the application is for removal of vegetation that will open views to junkyards;
- (9) the applicant fails to complete an application, as described in Rule .0602 of this Section;;
- (10) any cutting, thinning, pruning, or removal of vegetation encompassing the entirety of the maximum vegetation cutting or removal zone is prohibited due to conservation easements or conditions affecting the right of way to which the State

is subjected or agrees in writing to subject itself and other restrictions agreed upon by the State in writing in the right of way; or State or Federal rules, statutes, or permits; or

- (11) an unlawful destruction or illegal cutting of vegetation has occurred within the highway right-of-way to create, increase, or improve a view to the facility from the travel way including acceleration and deceleration ramps. The Department shall not issue a selective vegetation removal permit at the requested site for a period of five years that shall begin on the date the Department resolves the "unlawful destruction" or "illegal cutting" incident by settlement agreement with responsible party or the Department administratively closes the case. For the purposes of this Section, unlawful destruction or illegal cutting is defined as the destruction or cutting of trees, shrubs, or other vegetation on the State-owned or State-maintained rights-of-way by anyone other than the Department or its authorized agents, or without written permission of the Department.

*History Note: Authority G.S. 99E-30; 136-18(5); 136-18(7); 136-18(9); 136-93; 136-93.3; 136-130;  
Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;  
Eff. June 1, 1982;  
Amended Eff. August 1, 2000; November 1, 1991; December 1, 1990; August 1, 1985; June 2, 1982;  
Temporary Amendment Eff. March 1, 2012;  
Amended Eff. January 1, 2015; November 1, 2012.*

#### **19A NCAC 02E .0604 CONDITIONS OF SELECTIVE VEGETATION REMOVAL PERMIT FOR FACILITIES OR PERMIT REQUIREMENTS**

The following apply to the conditions of selective vegetation removal permit for facilities:

- (1) Selected vegetation, within the approved limits as set forth in Rule .0602(c) of this Section may be cut, thinned, pruned, or removed by the permittee in accordance with the standards set out in G.S. 136-133.4;
- (3) The permittee shall furnish a Performance Bond, or certified check or cashier's check made payable to North Carolina Department of Transportation for the sum of two thousand dollars (\$2,000). The Performance Bond, or certified check or cashier's check shall cover all restoration of the right of way to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent, if damage occurs during the permitted selective vegetation removal. The Performance Bond, or certified check or cashier's check shall be paid with the application before each permit to cut vegetation is issued. The Performance Bond, or certified check or cashier's check shall run concurrently with the permit. The Performance Bond, or certified check or cashier's check shall be released after a final inspection of the work by the Department reveals that all work provided for and specified by the permit is found to be completed and all damages to the right of way, including damage to fencing and other structures within the right-of-way,

have been repaired or restored to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent;

- (4) Companies that plan to apply for two or more permits may provide continuing bonds for the sum of one hundred thousand dollars (\$100,000) and that type of bond shall be kept on file by the Utilities Unit of the Department;
- (5) If the work is to be performed by any entity other than the permittee, either the permittee or the other entity shall furnish the Performance Bond or certified check or cashier's check, as described in this Rule, for all work provided for and specified by the permit. Required forms for all bonds are available upon request from the Department and may be found on the Department's website [www.ncdot.gov](http://www.ncdot.gov). Bonds are to be furnished with the selective vegetation removal application form to the official assigned to receive selective vegetation removal applications at the local North Carolina Department of Transportation, Division of Highways Office;
- (6) The permittee shall also provide proof of liability insurance coverage of five million dollars (\$5,000,000). Whoever performs the work, the permittee, his contractor, or agent, shall maintain workers' compensation and vehicle liability insurance coverage. The permittee, his contractor, and agent may be liable for any losses due to the negligence or willful misconduct of his agents, assigns, and employees. The permittee may, in lieu of providing proof of liability insurance as described in this Item, be shown as an additional insured on the general liability policy of the approved contractor or agent to perform the permitted work on condition that the contractor or agent's policy is coverage of five million dollars (\$5,000,000) and the permittee provides proof to the Department of the coverage. The permittee or contractor or agent providing the coverage shall also name the Department as an additional insured on its general liability policy and provide the Department with a copy of the certificate showing the Department named as an additional insured. Regardless of which entity provides the proof of general liability insurance, the required limit of insurance may be obtained by a single general liability policy or the combination of a general liability and excess liability or umbrella policy;
- (7) The permittee shall provide a document verifying the requested selective vegetation removal site location in relationship to corporate limits of a municipality. The document shall be a current geographic information system map of the nearest municipality, with color-coded boundary lines and a corresponding key or legend indicating corporate limit and territorial jurisdiction boundaries and indicating the precise location of the business facility. The permittee shall also provide the property tax identification number for the parcel on which the facility is located. The Department may require additional information if the boundary or facility location remains in question;
- (8) Access from the highway main travel way shall be allowed only for surveying or delineation work in preparation for and in the processing of an application for a selective vegetation removal permit;
- (9) The permittee shall perform site marking of the maximum vegetation cut or removal zone. The applicant shall mark the permitted cutting distances according to Rule .0602(c) of this Section. The two maximum points along the right-of-way

boundary (or fence if there is a control of access fence) shall be marked with visible flagging tape. The two maximum points, corresponding to the beginning point and the ending point along the edge of the pavement of the travel way, perpendicular to the maximum points marked along the right-of-way boundary, shall be marked with spray paint. If the facility is located next to an acceleration or deceleration ramp, the two corresponding maximum points shall be marked along the edge of the pavement of the travel way of the ramp instead of the mainline of the roadway;

- (10) The permittee shall tag, with visible material or flagging, trees, according to Rule .0602(b) of this Section, with a diameter of four caliper inches and larger, as measured six inches above ground level at the time of the application that are screening the facility from view and are requested to be cut, thinned, pruned, or removed within the maximum vegetation cut or removal zone. Trees tagged for cutting, thinning, pruning, or removal shall match with the trees shown on the required sketch of the requested vegetation cut or removal zone;
- (11) The Department may disapprove the requested cutting, thinning, pruning, or removal of selected trees of four caliper inches or greater in diameter, as measured six inches above ground level that are not screening the facility from view from the roadway. The Department shall make this determination by allowing selective thinning of tree density that opens the view to the facility or agritourism activities across the entire length of the maximum cut or removal zone, without complete removal of all trees and other vegetation. The Department shall disapprove cutting, thinning, pruning, or removal of dogwood and redbud trees that may have been tagged in error. If trees are disapproved for cutting, thinning, pruning, or removal, the Department shall specify those trees to the applicant during the site review. The applicant shall remove the tree flagging for the disapproved trees and submit to the Department by electronic means (including electronic mail or facsimile) an amended version of the original sketch of the site by indicating the changes on the sketch and initialing and dating the changes thereon;
- (12) If any cutting, thinning, pruning, or removal of vegetation from any portion of but less than the entirety of the maximum vegetation cutting or removal zone is prohibited due to conservation easements, conditions or other restrictions affecting the right of way to which the State is subjected or agrees in writing to subject itself, or State or Federal rules, statutes, or permits, the permittee shall comply with applicable easements, rules, statutes, or permits for those portions of vegetation.
  - (a) If applicable conservation easements, or conditions affecting the right of way to which the State is subjected or agrees in writing to subject itself and other restrictions agreed upon by the State in writing in the right of way, State or Federal rules, statutes, or permits allow certain degrees and methods of cutting, thinning, pruning, or removal for portions of vegetation, the permittee shall comply with applicable easements, State or Federal rules, statutes, or permits including equipment type for those portions of vegetation.
  - (b) Portions of the maximum cutting or removal zone not within a conservation easement nor applicable to conditions affecting the right of way to which the State is subjected or agrees in writing to subject itself and other restrictions agreed upon by the State in writing in the right of way, nor

regulated by State or Federal rules, statutes, or permits regulating vegetation removal and other activities shall be governed by standards set out in G.S. 136-93;

- (13) The permittee shall adhere to erosion control requirements, according to the North Carolina General Statutes, Article 4, Chapter 113A entitled: Sedimentation Pollution Control Act of 1973;
- (14) A Division of Highways Inspector may be present while work is underway. The presence or absence of a Division of Highways inspector at the work site does not lessen the permittee's responsibility for conformity with the requirements of the permit. When a present inspector fails to point out work that does not conform with the requirements, it does not prevent later notification to the permittee that the work is not in compliance with the permit;
- (15) A selective vegetation removal permit shall be secured for each applicable facility prior to performing any vegetation removal work. The Permittee or its contractor or agent shall have a copy of the selective vegetation removal permit on the work site at all times during any phase of selective vegetation cutting, thinning, trimming, pruning, removal, or planting operations;
- (16) When the Division Engineer ("Engineer") or his representative observes unsafe operations, activities, or conditions, he shall suspend work. Work shall not resume until the unsafe operations, activities, or conditions have been eliminated or corrected. Failure to comply with any of the federal and State laws, ordinances, and regulations governing safety and traffic control shall result in suspension of work. The permittee shall adhere to safety requirements, according to the North Carolina G.S. 95, Article 16, entitled: Occupational Safety and Health Act of North Carolina. Traffic control shall be in accordance with G.S. 136-30 and 19A NCAC 02B .0208;
- (17) The permittee or its contractor or agent shall take measures to locate and protect utilities within the highway right-of-way within the work area of the selective vegetation removal zone. The permittee may be responsible for restoration of any losses or damages to utilities caused by any actions of the permittee or its contractors or agents to the satisfaction of the utility owner;
- (18) Permits are valid for a period of one year and the permittee may cut, thin, prune, or remove vegetation more than one time during the permit year. If the applicant applies for and is approved for another permit at the same site during an existing permit year, the previous permit shall become null and void at the same time the new permit is issued;
- (19) The permittee shall provide to the Department a 48-hour notification before entering the right-of-way for any work covered by the conditions of the permit. The permittee shall schedule all work with the Department. The permittee shall notify the Department in advance of work scheduled for nights, weekends, and holidays. The Department may modify the permittee's work schedule for nights, weekends, and holidays. When the Department restricts construction in work zones for the safety of the traveling public, the Department shall deny access to the right-of-way for selective vegetation removal;
- (20) If work is planned in an active work zone, the permittee shall receive written permission from the contractor or the Department if the Department's employees



are performing the work. The permittee shall provide the Division Engineer with a copy of the written permission;

- (21) Sites with vegetation not presenting a hazard from falling tree parts and follow-up work shall be restricted to individual and manual-operated power equipment and hand-held tools;
- (22) The Department may allow use of power-driven vegetation removal equipment (such as excavator-based land clearing attachments, skid-steer cutters, and bucket trucks) if the Department determines that the use of such equipment will not cause undue safety hazards, any erosion, or unreasonable damage to the right-of-way, and may allow access from the private property side to the right-of-way. Tree removal that presents a hazard from falling tree parts shall be performed in accordance with the current edition and subsequent amendments and editions of the American National Standard for Arboricultural Operations-Safety Requirements ANSI Z133.1, approved by the American National Standards Institute and published by the International Society of Arboriculture that is hereby incorporated. Copies of the Standard are available for inspection in the office of the State Roadside Environmental Engineer, Division of Highways, Raleigh, N.C. Copies of the Standard may be obtained from the International Society of Arboriculture (ISA) for a twenty dollars (\$20.00) cost. The ISA can be contacted at P.O. Box 3129 Champaign, Illinois 61826 or by accessing this website: <http://www.isa-arbor.com/>;
- (23) The Department shall determine the traffic control signage that shall be required. The permittee shall furnish, erect, and maintain the required signs as directed by the Department in accordance with G.S. 136-30;
- (24) The height of stumps remaining after tree removal shall not exceed four inches above the surrounding ground level. The work site shall be left with all vegetation cut, thinned, or pruned at the site either removed or chipped and spread in accordance with G.S. 136-133.4 at the end of each workday;
- (25) An applicant for a selective vegetation removal permit for a facility or agritourism activities issued pursuant to Rule .0602 of this Section may appeal a decision of the Department pertaining to the denial or conditioning of a permit for selective vegetation removal in accordance with the provisions of G.S. 136-133.3; and
- (26) Upon completion of all work, the Department shall notify the permittee in writing of acceptance, terminate the permit, and return the Performance Bond, or certified or cashier's check to the permittee. For replanting work, a different release schedule shall be applicable according to Rule .0611 of this Section. The permittee may terminate the permit at any time and request return of the Performance Bond or certified or cashier's check. The termination and request for return of the Performance Bond or certified or cashier's check shall be made in writing and sent to the Division Engineer.

*History Note: Authority 136-18(5); 136-18(7); 136-18(9); 136-30; 136-93; 136-93.3; 136-133.4; 136-133.4(e);*

*Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;*

*Eff. June 1, 1982;  
Amended Eff. January 1, 2015; November 1, 2012; August 1, 2000; November 1,  
1991; August 1, 1985; August 1, 1982; June 2, 1982.*

#### **19A NCAC 02E .0605      APPEAL TO THE CHIEF ENGINEER**

*History Note: Filed as a Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire  
on June 1, 1982;*

*Authority G.S. 136-18(5); 136-18(7); 136-18(9);*

*Eff. June 1, 1982;*

*Repealed Eff. June 2, 1982.*

#### **19A NCAC 02E .0606      EXCEPTIONS TO THE POLICY**

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9);*

*Eff. August 1, 1985;*

*Repealed Eff. December 29, 1993.*

#### **19A NCAC 02E .0607      TEMPORARY MORATORIUM**

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9);*

*Eff. December 1, 1990;*

*Repealed Eff. December 29, 1993.*

#### **19A NCAC 02E .0608      REQUESTS FOR SELECTIVE VEGETATION REMOVAL PERMITS FOR OUTDOOR ADVERTISING**

(a) Applications for selective vegetation cutting, thinning, pruning, or removal (exclusive of grasses) shall be made by the owner of an outdoor advertising sign permitted under G.S. 136-129(4) or (5), to the Division Engineer of the North Carolina Department of Transportation (NCDOT), Division of Highways. Applications shall be submitted in both printed and electronic form. Application submittal information for each county is found on the NCDOT Selective Vegetation Removal website: <https://connect.ncdot.gov/resources/roadside/Pages/Selective-VegetationRemoval-Permits.aspx>. For sites within the corporate limits of a municipality that has previously advised the Department in writing that it seeks to review such applications, the applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the Department. Applications for selective vegetation removal permits shall include the following information consistent with G.S. 136-133.1:

- (1) the applicant contact information;
- (2) the outdoor advertising permit tag number and location of the sign;
- (3) if the sign is located on a ramp, the application shall indicate whether cut zone is modified or normal;

- (4) if an application is eligible for municipal review, and as a prerequisite to municipal review submittal, the application shall indicate the year the sign was erected. Upon request, the Department shall furnish the year of sign erection to the applicant. The Department may require additional proof if the year of the sign erection remains in question;
- (5) an indication of appropriate maximum cutting distance;
- (6) the applicant's desire to remove existing trees, if present. If existing trees are to be removed, such trees require compensation by either monetary reimbursement, removal of two nonconforming outdoor advertising signs, or a beautification and replanting plan as set out in Rule .0611 of this Section, and by submitting the Existing Tree Compensation Agreement form found on the NCDOT Selective Vegetation Removal website;
- (7) the site plan, if existing trees are to be cut, thinned, pruned, or removed;
- (8) if existing trees are to be cut, thinned, pruned, or removed, the additional required form includes applicant contact information, permit tag number, sign location, the number, caliper inches, and monetary value of existing trees to be cut, thinned, pruned, or removed, as determined by G.S. 136-93.2, and indication of compensatory choice;
- (9) the additional form for existing tree removal, based on the compensatory choice made, also requires submittal of either a payment check in the amount of the tree loss monetary value, indication of the two nonconforming outdoor advertising signs to be surrendered, or agreement to submit a beautification replanting plan to the Department. Compliance with the compensatory choice shall be required before the selective vegetation removal permit can be approved;
- (10) a municipal review indication, if applicable;
- (11) the requested use of and site access for power-driven equipment in accordance with Rule .0610(23) of this Section;
- (12) the performance bond or certified check or cashier's check pursuant to G.S. 136-93;
- (13) if using a contractor for vegetation removal work, identify the contractor and his or her qualifications if the contractor is not listed on the Department's website directory of qualified transportation firms;
- (14) a payment of the non-refundable two hundred dollar (\$200.00) permit fee, pursuant to G.S. 136- 18.7;
- (15) the certificate of liability, proof of workers' compensation, and vehicle liability insurance coverage;
- (16) the geographic information system document, property tax identification number to verify location of sign in relation to municipal limits, and territorial jurisdiction boundary;
- (17) a verification of on-site marking and tree-tagging requirements;
- (18) if the cutting request is for a modified cut zone along a highway ramp, a diagram of the cut zone is required unless the diagram is included on a site plan, and calculations are required comparing the modified cut zone to the normal cut zone;

- (19) if the Department disputes the site plan, the Department may request additional information pursuant to G.S. 136-133.1(c);
  - (20) if applicable, certification that the applicant has permission from the adjoining landowner(s) to access their private property for the purpose of conducting selective vegetation removal permit activities; and
  - (21) the applicant's notarized signature.
- (b) The selective vegetation removal request may be reviewed on site by Department personnel and a representative of the applicant.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-18.7; 136-93; 136-130; 136-133.1; 136-133.2;*

*Temporary Adoption Eff. March 1, 2012;*

*Eff. November 1, 2012;*

*Amended Eff. January 1, 2015;*

*Readopted Eff. June 1, 2020.*

#### **19A NCAC 02E .0609 ISSUANCE OR DENIAL OF SELECTIVE VEGETATION REMOVAL PERMIT FOR OUTDOOR ADVERTISING**

(a) Pursuant to G.S. 136-133.2, within 30 days following receipt of the application for a selective vegetation removal permit for outdoor advertising, including the fee set out in G.S. 136-18.7, the Division Engineer shall approve or deny the application.

(b) The application shall be denied by the Division Engineer if:

- (1) the application is for an outdoor advertising location where the outdoor advertising permit is less than two years old pursuant to G.S. 136-133.2;
- (2) the application is for the opening of a view to a sign that has been declared illegal pursuant to G.S. 136-134, whose permit has been revoked, or is currently involved in litigation with the Department;
- (3) it is determined by Department personnel that removal of vegetation shall diminish a planting installed for headlight screening and affect the safety of the traveling public;
- (4) the application is for the removal of vegetation planted in accordance with a local, State, or federal beautification project prior to September 1, 2011 or prior to the issuance of an outdoor advertising permit for the erection of the applicable outdoor advertising structure, whichever date is later, unless a mitigating replanting plan related to the site for which the vegetation permit request is made, as set forth in Rule .0611 of this Section, except for the provisions in Paragraph (d) and Subparagraph (g)(11); and is agreed upon in writing by the applicant, the Department, and, if applicable, the Federal Highway Administration;
- (5) on two previous occasions, the applicant failed to meet the requirements of a selective vegetation removal permit, unless the applicant engages a landscape contractor to perform the current work;
- (6) the application is for removal of vegetation that will open views to junkyards;

- (7) the requested site is subject to a five-year moratorium for willful failure to substantially comply with all requirements specified in a prior selective vegetation removal permit pursuant to G.S. 136-133.4(e);
- (8) the applicant fails to complete the requirements of the application as set forth in Rule .0608 of this Section;
- (9) any cutting, thinning, pruning, or removal of vegetation encompassing the entirety of the maximum vegetation cutting or removal zone is prohibited due to conditions affecting the right-of-way to which the State is subjected or agrees in writing to subject itself, including conservation agreements, prior to September 1, 2011 or prior to the issuance of an outdoor advertising permit for the erection of the applicable outdoor advertising structure, whichever date is later, or due to the application at any time of State statutes or rules or federal statutes or regulations, including any conditions mandated as part of the issuance of a permit to the Department for a construction project by a federal or State agency with jurisdiction over the construction project. The Department may mitigate within the right-of-way in the cut zone of a permitted outdoor advertising structure so long as trees and other plant materials for mitigation may not be of a projected mature height to decrease the visibility of a sign face, and such mitigation vegetation may not be cut or removed pursuant to a selective vegetation removal permit; or
- (10) a modified vegetation removal zone application request along acceleration or deceleration ramps is not in accordance with G.S. 136-133.1(a1) or Rule .0612 of this Section.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-93; 136-130; 136-133.1(a1); 136-133.2; 136-133.3; 136-133.4; 136-134;  
 Temporary Adoption Eff. March 1, 2012;  
 Eff. February 1, 2013;  
 Amended Eff. January 1, 2015;  
 Readopted Eff. June 1, 2020.*

#### **19A NCAC 02E .0610 CONDITIONS OF SELECTIVE VEGETATION REMOVAL PERMITS FOR OUTDOOR ADVERTISING**

The following apply to the conditions of selective vegetation removal permits for outdoor advertising:

- (1) Selected vegetation, as defined in G.S. 136-133.1(b), may be cut, thinned, pruned, or removed in accordance with the standards set out in G.S. 136-133.4;
- (2) The permittee shall furnish a Performance Bond, certified check, or cashier's check made payable to North Carolina Department of Transportation (NCDOT) for the sum of two thousand dollars (\$2,000). The Performance Bond, certified check, or cashier's check shall cover all restoration of the right-of-way to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent, if damage occurs during the permitted selective vegetation removal. The Performance Bond, certified check, or

cashier's check shall be paid with the application before each permit to cut vegetation is issued. The Performance bond, certified check, or cashier's check shall run concurrently with the permit. The Performance Bond, certified check, or cashier's check shall be released after a final inspection of the work by the Department reveals that all work provided for and specified by the permit is found to be completed and, if damage is caused by the permittee or the permittee's agent, all damages to the right-of-way, including damage to fencing and other structures within the right-of-way, have been repaired or restored;

- (3) Companies that plan to apply for two or more permits may provide continuing bonds for the sum of one hundred thousand dollars (\$100,000) and that type of bond shall be kept on file by the Utilities Unit of the Department;
- (4) If the work is to be performed by any entity other than the sign owner or permittee, either the permittee or the other entity shall furnish the Performance Bond, certified check, or cashier's check, as described in this Rule, for all work provided for and specified by the permit. Required forms for all bonds are available upon request from the Department, or on the NCDOT Selective Vegetation Removal website:  
<https://connect.ncdot.gov/resources/roadside/Pages/SelectiveVegetation-Removal-Permits.aspx>. Bonds shall be furnished with the selective vegetation removal application form to the official assigned to receive selective vegetation removal applications at the local North Carolina Department of Transportation, Division of Highways Office;
- (5) The permittee shall provide proof of liability insurance coverage of five million dollars (\$5,000,000). Whoever performs the work, the permittee, his or her contractor, or agent shall maintain workers' compensation and vehicle liability insurance coverage. The permittee, his or her contractor, and agent shall be liable for any losses due to the negligence or willful misconduct of his or her agents, assigns, or employees. The permittee, in lieu of providing proof of liability insurance as described in this Item, may be shown as an additional insured on the general liability policy of the approved contractor or agent to perform the permitted work if the contractor or agent's policy provides five million dollars (\$5,000,000) in coverage, and the permittee provides the Department with proof of the coverage. The permittee, contractor, or agent providing the coverage shall also name the Department as an additional insured on its general liability policy, and provide the Department with a copy of the certificate showing the Department named as an additional insured. The required limit of insurance may be obtained by a single general liability policy, the combination of a general liability and excess liability, or an umbrella policy;
- (6) The permittee shall provide a document verifying the requested selective vegetation removal site location in relationship to corporate limits of a municipality, pursuant to G.S. 136-133.1(a)(5). The document shall be a current geographic information system map of the nearest municipality, with color-coded boundary lines, a corresponding key or legend indicating corporate limits, territorial jurisdiction boundaries, and indicating the precise

location of the outdoor advertising structure. The permittee shall provide the property tax identification number for the parcel where the outdoor advertising structure is located. The Department may require additional information if the boundary or sign location remains in question;

- (7) The permittee shall perform site marking of the maximum vegetation cut or removal zone. The applicant shall mark the proper permitted cutting distances according to G.S. 136-133.1(a)(1) – (6). Points A & B along the right-of-way boundary (or fence if there is a control of access fence) shall be marked with visible flagging tape. Points C, D, and E along the edge of the pavement of the travel way shall be marked with spray paint, including the actual distances. If the sign is located at an acceleration or deceleration ramp, points C, D, and E shall be marked along the edge of the pavement of the travel way of the ramp instead of the mainline of the roadway;
- (8) The permittee shall perform tagging of trees. The permittee shall tag with a visible material or flagging all trees, including existing trees and other trees that are, at the time of the selective vegetation removal application, greater than four inches in diameter as measured six inches from the ground and requested to be cut, thinned, pruned, or removed. The applicant shall tag the existing trees (the exact same existing trees as on the site plan) that are desired to be cut, thinned, pruned, or removed with visible material or contrasting colored flagging. The permittee shall denote on the site plan or application the colors of flagging used to mark each category of trees;
- (9) If there are existing trees requested for removal, the permittee shall satisfy the following before any work may be performed:
  - (a) submit the reimbursement to the Department pursuant to G.S. 136-133.1(d) in a cashier's check or certified check;
  - (b) fully disassemble two non-conforming outdoor advertising signs, their supporting structures, and return the outdoor advertising permits tags to the Department pursuant to G.S. 136-133.1(d); or
  - (c) obtain Departmental approval for the replanting plan in accordance with G.S. 136-133.1(e) and Rule .0611 of this Section;
- (10) Should the vegetation removal permit be approved and tree removal is scheduled, the sign owner shall cut all disputed tree stumps in a level, horizontal manner, uniformly across the stump, and at a four inch height, so that tree rings may be counted, by the applicant or the Department, to determine the age of the tree;
- (11) After a tree is removed and the applicant or the Department discovers, based on the number of rings in the tree stump, an error in the tree survey report or site plan, the Department shall request an amendment to the tree survey report or site plan, a redetermination shall be made by the Department, pursuant to G.S. 136-133.1(d) and (e), and the applicant shall be subject to that redetermination;
- (12) For purposes of this Rule, the portion of the cut or removal zone means that the cut or removal zone shall be less than the entirety of the cut or removal zone. Where any portion of the cut or vegetation removal zone is restricted for the following reasons in this Item, the permittee shall comply with applicable

conditions, mitigation requirements, rules, statutes, or permit requirements related to cutting, thinning, pruning, or removal of vegetation within the right-of-way:

- (a) the State is subjected to or agrees in writing to subject itself to conditions affecting the right-of-way, including conservation agreements, prior to September 1, 2011, or prior to the issuance of an outdoor advertising permit for the erection of the applicable outdoor advertising structure, whichever date is later;
  - (b) applicable State or federal statutes, rules, or regulations, including any conditions mandated as part of the issuance of a permit to the Department for a construction project by a federal or State agency with jurisdiction over the construction project prohibit vegetation removal;
  - (c) mitigation within the right-of-way in the cut zone of a permitted outdoor advertising structure prohibits vegetation removal; however, trees and other plant materials for mitigation may not be of a projected mature height to decrease the visibility of a sign face; or
  - (d) If the reasons set forth in Sub-items (12)(a), (b), and (c) of this Rule allow certain degrees and methods of cutting, thinning, pruning, or removal for portions of vegetation, the permittee shall comply with the conditions of this Item, including equipment type for those portions of the cutting or removal zone. Vegetation removal for portions of the maximum cutting or removal zone not affected by the reasons set forth in Sub-items (12)(a), (b) and (c) of this Rule shall be governed by standards set out in G.S. 136-93;
- (13) The permittee shall adhere to erosion control requirements, pursuant to G.S. 113A, Article 4;
- (14) A Division of Highways Inspector may be present while work is underway. The presence or absence of a Division of Highways inspector at the work site does not lessen the permittee's responsibility for conformity with the requirements of the permit. If a present inspector fails to acknowledge or identify work that does not conform with the requirements, this failure shall not prevent later notification to the permittee that the work is noncompliant with the permit;
- (15) A selective vegetation removal permit shall be secured for each applicable outdoor advertising site prior to performing any vegetation removal work;
- (16) If the Division Engineer or his or her representative observes unsafe operations, activities, or conditions, the Engineer shall suspend work. Work shall not resume until the unsafe operations, activities, or conditions have been eliminated or corrected. Failure to comply with any of the federal and State laws, ordinances, rules, and regulations governing safety and traffic control shall result in suspension of work. The permittee shall adhere to safety requirements, pursuant to G.S. 95, Article 16. Traffic control shall be in accordance with G.S. 136-30 and 19A NCAC 02B .0208;
- (17) The applicant shall certify that he or she has permission from the adjoining landowner(s) to access the private property for the purpose of conducting activities related to the selective vegetation removal permit application;



- (18) The permittee, its contractor, or agent shall have a copy of the selective vegetation removal permit on the work site at all times during any phase of selective vegetation cutting, thinning, trimming, pruning, removal, or planting operations;
- (19) The permittee, its contractor, or agent shall take measures to locate and protect utilities within the highway right-of-way and within the work area of the selective vegetation removal zone. The permittee may be responsible for restoration of any losses or damages to utilities caused by any actions of the permittee, its contractors, or agents, and to the satisfaction of the utility owner;
- (20) Permits are valid for a period of one year and the permittee may cut, thin, prune, or remove vegetation more than one time during the permit year. If the applicant applies for and is approved for another permit at the same site during an existing permit year, the previous permit shall become null and void at the same time the new permit is issued;
- (21) The permittee shall provide to the Department a 48-hour notification before entering the right-of-way for any work covered by the conditions of the permit. The permittee shall schedule all work with the Department. The permittee shall notify the Department in advance of work scheduled for nights, weekends and State holidays. The Department may modify the permittee's work schedule for nights, weekends, and State holidays. When the Department restricts construction in work zones for the safety of the traveling public, the Department shall deny access to the right-of-way for selective vegetation removal;
- (22) If work is planned in an active work zone, the permittee shall receive written permission from the contractor or the Department if the Department's employees are performing the work. The permittee shall provide the Division Engineer with a copy of the written permission;
- (23) An applicant shall be allowed to use individual and manual-operated power equipment and hand held tools at any site during initial cutting or removal of vegetation or while maintaining a site during the duration of a selected vegetation removal permit. The Department may allow use of power-driven vegetation removal equipment (such as excavator-based land clearing attachments, skid-steer cutters, and bucket trucks) if the Department determines that the use of such equipment will not cause safety hazards, any erosion, or damage to the right-of-way, and may allow access from the private property side to the right-of-way. Tree removal that presents a hazard from falling tree parts shall be performed in accordance with the current edition of the American National Standard for Arboricultural Operations-Safety Requirements ANSI Z133;
- (24) The height of stumps remaining after tree removal shall not exceed four inches above the surrounding ground level. At the end of each workday, the work site shall be left with all vegetation cut, thinned, or pruned at the site either removed or chipped and spread in accordance with G.S. 136-133.4; and
- (25) Upon completion of all work, the Department shall notify the permittee in writing of acceptance, terminate the permit, and return the Performance Bond,

certified check, or cashier's check to the permittee. For replanting work, a different bond release schedule shall be applicable according to Rule .0611 of this Section. The permittee may terminate the permit at any time and request that the Department return of the Performance Bond, certified check, or cashier's check. The termination and request for return of the Performance Bond, certified check, or cashier's check shall be made in writing and sent to the Division Engineer.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-93; 136-93.2; 136-127; 136-130; 136-133.1; 136-133.2; 136-133.3; 136-133.4; Temporary Adoption Eff. March 1, 2012; Eff. February 1, 2013; Amended Eff. January 1, 2015; Readopted Eff. June 1, 2020.*

#### **19A NCAC 02E .0611 BEAUTIFICATION AND REPLANTING REQUIREMENTS FOR SELECTIVE VEGETATION REMOVAL PERMITS**

- (a) Any site with a valid selective vegetation removal permit issued pursuant to G.S. 136-93(b) qualifies for a beautification and replanting plan as set forth in G.S. 136-133.1(e).
- (b) For future selective vegetation removal applications at replanted sites, replanted materials may be removed only if partially blocking the view to a sign face. In this case, the Department shall require plant substitutions on a one-for-one basis. All requests for plant substitutions shall be approved by the Department and installed according to the rules in this Section.
- (c) Submittal of a site plan shall be in accordance with G.S. 136-133.1(c).
- (d) This Paragraph applies to all replanting plans except mitigating replanting plans as specified in Rules .0603(b)(6) and .0609(b)(4) of this Section. The caliper inches of existing trees to be removed, according to the applicant's site plan, shall equal the caliper inches to be replanted, by the applicant at the outdoor advertising site, and from which existing trees are requested to be removed. If the caliper inches of existing trees from the site plan exceed the density of the Department's replanting site design, the excess caliper inches of trees shall be delivered by the applicant to the Department according to the schedule described in Subparagraph (g)(6) of this Rule. If plant material other than trees is proposed, the Department may consider such substitution for the required caliper inches.
- (e) For sites that qualify according to the replanting criteria described in this Rule, the Department shall consult with the applicant and any local government that has requested to review and provide comments on selective vegetation removal applications pursuant to G.S. 136-93(d), or has notified the Department of its desire to review and provide comments on beautification and replanting plans. The local government shall be given 15 days to review and provide comments on beautification and replanting plans. If the local government provides comments on a beautification and replanting plan, the Department shall take the comments into consideration. If the local government does not make a request for a review, the criteria stated in the rules in this Section shall be followed for replanting determination.
- (f) In consideration of differences in outdoor advertising sign structure heights, business facilities, or agritourism activities, the Department shall maintain on file regionalized landscape design plans and plant lists as a guide for applicants. The applicant may submit one of the

Department's plans or a proposed beautification and replanting plan prepared and sealed by a North Carolina licensed landscape architect. The Department's written approval shall be based upon the current edition of the American Standard for Nursery Stock ANSI Z60.1 for a minimum of a 1.5 caliper inch replanted tree, of the beautification, replanting, and maintenance plan shall allow the applicant to proceed with requested vegetation cutting, thinning, pruning, or removal at the site. If plant material other than trees is proposed, the Department may consider such substitution for the required caliper inches. The American Standard for Nursery Stock ANSI Z60.1, approved by the American National Standards Institute and published by the American Horticulture Association is hereby incorporated by reference, including subsequent amendments and editions. The document may be accessed at no cost at [americanhort.org/page/standards](http://americanhort.org/page/standards). The mailing address for AmericanHort is 2130 Stella Ct, Columbus, OH 43215.

(g) The approved beautification and replanting plan becomes a part of the selective vegetation removal permit pursuant to G.S. 136-93(b) and 136-133.1(e). All permit requirements shall continue to apply until all replanting and establishment requirements are satisfied and accepted in writing by the Department. The Department shall approve the replanting portion of the selective vegetation removal permit in writing and detail the requirements of the beautification and replanting plan. The following shall be required:

- (1) The work for initial plantings and all future replacements by the permittee or any of their employees, agents, or assigns shall be in accordance with the current edition of the American National Standard for Tree Care Operations-Transplanting ANSI A300 (Part 6), Planting and Transplanting except as stipulated in this Rule. The American National Standard for Tree Care Operations-Transplanting ANSI A300 (Part 6), approved by the American National Standards Institute and published by the Tree Care Industry Association, Inc. is hereby incorporated by reference, including subsequent amendments and editions. Copies of the Standard may be obtained from the Tree Care Industry Association, Inc. for a twenty dollar (\$20.00) cost. The Tree Care Industry Association, Inc. (TCIA) can be contacted at 670 North Commercial Street, Suite #201, Manchester, NH 03101 or at this website: [www.tcia.org/TCIA/SHOP](http://www.tcia.org/TCIA/SHOP). Initial and replacement planting may be considered acceptable if the plants have been placed in the plant hole, backfilled, watered, mulched, staked, and guyed. All plants of one species that are shown on the plans to be planted within a bed, shall be planted concurrently and the entire group shall be completed before any plant therein is considered acceptable. Replacement planting consists of replacing those plants that are not in a living and healthy condition as defined in Subparagraph (7) of this Paragraph;
- (2) The permittee shall adhere to erosion control requirements, according to G.S. 113A, Article 4;
- (3) All plant materials shall be approved in writing by the Department prior to arrival at the site or prior to excess trees being furnished and delivered to the Department. The approval shall be based on the current edition and subsequent amendments and editions of the American Standard for Nursery Stock ANSI Z60.1;
- (4) All work is subject to Division of Highways inspection, scheduled with the Department. A minimum 48-hour notification shall be provided to the

Department by the permittee before entering the right-of-way for any beautification and replanting plan requirements;

- (5) Grinding or other mechanical removal of all cut stumps (to a minimum depth of four inches below ground level) shall be completed in the area of replanting during the preparation of the site, prior to initial planting;
- (6) All initial and replacement plantings shall be installed during the first planting season (November 1 to March 15) contemporaneous with or following the selective vegetation removal. If replanting cannot be completed by the March 15 deadline, the replanting shall occur during the next planting season. The same dates (November 1 to March 15) shall apply when the permittee provides the Department with excess plant material at a site where existing caliper inches exceeds the site design capacity;
- (7) The permittee shall contact the Department to schedule a final replanting acceptance inspection upon completion of any plant material installation. For one year from the date of the initial planting acceptance for the entire replanting plan, the permittee shall establish all plant materials according to these provisions. Establishment for all initial or replacement plants shall begin after they are planted. The permittee shall be responsible for the area around plantings for a distance of six feet beyond the outside edges of the mulch. Establishment shall include: cutting of grass and weeds; watering; replacement of mulch; repair or replacement of guy stakes, guy wires, and water rings; and other work to encourage the survival and growth of plant material. The permittee shall remove and dispose of dead plants from the replanting plan site during the establishment period. Prior to the end of the one-year establishment period, the permittee is responsible for contacting the Department to schedule a site meeting with Departmental officials to identify plants to be replaced that are not in a living and healthy condition. Plants do not meet the living and healthy condition requirement and need replacement if 25 percent or more of the crown is dead, if the main leader is dead, or if an area of the plant has died leaving the character of its form compromised, lopsided, or disfigured. The permittee shall replace, during the planting period, plant material needed to restore the planting to the original quantity, size, and species of plant material. Any desired changes in plant material proposed by the permittee shall be requested in writing to the Department. The Department shall notify the permittee in writing of the approved changes to the replacement plantings;
- (8) At the conclusion of the one-year establishment period, the Department shall issue a written acceptance of the permittee's work and release the bond. Then a one-year observation period shall begin during which the permittee shall maintain stability of the original and replacement plantings to promote their continued livability and healthy growth. The permittee is responsible for replacement of plants not meeting the living and healthy condition requirement during the observation period. Replacement shall occur in accordance with the dates of planting as stated in Subparagraph (6) of this Paragraph;

- (9) After the one-year observation period concludes, the Department shall notify the permittee if the permit requirement conditions have been met successfully;
- (10) Replanted materials may be pruned according to the current edition and subsequent amendments and editions of the American National Standard for Tree Care Operations-Pruning ANSI A300 (Part 1) – Planting and Transplanting; however, topping of trees or other vegetation is not allowed;
- (11) This Paragraph applies to all replanting plans except mitigating replanting plans as specified in Rules .0603(b)(6) and .0609(b)(4) of this Section. Excess plants or trees furnished and delivered to the Department shall receive care and handling in accordance with digging, loading, transporting, unloading, planting, or otherwise handling plants. The permittee shall exercise care to prevent: windburn; injury to or drying out of the trunk, branches, or roots; or freezing of the plant roots. The solidity of the plant ball shall be preserved. Delivery of excess plant material shall be scheduled with the Department, allowing a minimum three days notification for each delivery. The permittee's responsibility for the furnished excess plants or trees ends at the time the plant material is delivered to, inspected by, and accepted by the Department;
- (12) For mitigating replanting plans according to Rule .0609(b)(4) of this Section, trees and other plant material for a proposed beautification and replanting plan taken from the Department's landscape design plans and plant lists or prepared and sealed by a North Carolina licensed landscape architect, may be of a projected mature height to reduce visibility limitations to outdoor advertising sign faces. As an alternative to replanting, mitigation by pruning for vegetative crown reduction at an existing beautification project may be allowed, if mutually agreed upon in writing by the Department and permittee. All pruning shall be performed by removing the fewest number of branches necessary to accomplish the desired objective but in consideration of normal seasonal regrowth for the type of vegetation. All pruning for purposes of mitigation shall be in accordance with the current edition and subsequent amendments and editions of the American National Standards for Tree Care Operations-Pruning ANSI A300 (Part 1) – Planting and Transplanting. In the case of vegetation mortality caused by pruning, replacement plantings shall be required according to this Rule;
- (13) Should the outdoor advertising structure related to the selective vegetation permit be sold or transferred, the new owner or permit holder is subject to the requirements in the General Statutes and rules in this Section, including those regarding planting, establishment, replacement or renovation plantings, minimum living and healthy condition, and observation; and
- (14) Willful failure to substantially comply with the requirements of this Rule for the beautification and replanting plan shall subject the permittee to penalties prescribed in G.S. 136-133.4.

*History Note: Authority G.S. 99E-30; 136-93; 136-93.3; 136-130; 136-133.1; 136-133.4; Temporary Adoption Eff. March 1, 2012; Eff. November 1, 2012; Amended Eff. January 1, 2015;*

**19A NCAC 02E .0612      MODIFIED VEGETATION CUT OR REMOVAL ZONE  
FOR OUTDOOR ADVERTISING**

(a) In accordance with G.S. 136-133.1(a1), at the request of a selective vegetation removal permit applicant, the Department may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone along acceleration and deceleration ramps. Upon approval of this modified cut zone, the conditions of the initial permit as set forth in Rule .0604 and Rule .0610 of this Section, in addition to the following requirements shall apply:

- (1) the request for a modified vegetation cut or removal zone along acceleration or deceleration ramps shall be noted on the selective vegetation removal application at the time the application is submitted. The same application requirements as set forth in Rule .0608 of this Section shall apply to a modified vegetation cut or removal zone request.
- (2) the application shall include a diagram of the modified cut zone request to indicate the relocated point A to point D line and the relocated point B to point E line. If the request includes removal of existing trees as defined in G.S. 136-133.1(b)-(e), the applicant may indicate the relocated points on the required site plan in lieu of a separate diagram. The applicant shall provide calculations showing that the total aggregate area of cutting or removal equals the maximum allowed in G.S. 136-133.1(a). The applicant shall mark the modified points A, B, D, and E, as applicable, at the site for review by the Department. Modified points A and B along the right-of-way boundary (or fence if there is a control of access fence) are to be marked with visible flagging tape. Modified points C, D, & E along the edge of the pavement of the ramp are to be marked with spray paint, including the actual distances. Such markings for a modified vegetation cut or removal zone under G.S. 136-133.1(a1) shall represent and equal the maximum cut or removal area along the surface of the ground allowed in G.S. 136-133.1(a).
- (3) the Department may authorize a one-time modification of the maximum vegetation cut or removal zone for each requested sign face when the view to the outdoor advertising sign face will be improved. The modified area of vegetation cutting or removal shall cause the point A to point D line and the point B to point E line as set forth in G.S. 136-133.1(a) to be relocated as long as the total aggregate area of cutting or removal does not exceed the maximum allowed for the defined cut or removal zone in G.S. 136-133.1(a). Points A and B shall always remain on the right-of-way line and points D and E shall always remain on the edge of the pavement of the ramp. G.S. 136-133.1(g) regarding cutting vegetation from the private property side along a controlled access fence shall remain applicable from relocated point A of the modified cut zone to relocated point B of the modified cut zone.
- (4) the Department shall establish and document the modified cut or removal zone as the permanent view that shall not be altered for future selective vegetation removal permits.

- (5) If an outdoor advertising site has previously been cut under a valid selective vegetation removal permit, in accordance with G.S. 136-93(b), to the extent that the requirement of not exceeding the total aggregate area of cutting or removal allowed in G.S. 136-133.1(a) cannot be met, the applicant may apply for a modified cut or removal zone no sooner than one year after the most recent cutting activity at the site. Within the one year period, the applicant may, to the extent that the maximum cut or removal zone defined in G.S. 136-133.1(a) was not previously cut, apply that uncut area towards determining the limits of the one-time modified cut request as defined in G.S. 136-133.1(a1) and the rules of this Subchapter.
- (6) Should the outdoor advertising structure subject to a modified cut or removal zone for a selective vegetation removal permit be sold or transferred, the new owner or outdoor advertising permit holder shall be subject to G.S. 136-133.1(a1), and the rules of this Subchapter and shall not alter the modified cut zone as established and documented for a previous sign owner or permit holder.
- (7) Upon denial or conditioning by the Department of Transportation of a modified vegetative cut or removal zone under G.S. 136-133.1(a1), the applicant may file an appeal pursuant to G.S. 136- 133.3.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-93; 136-93.2; 136-130; 136-133.1; 136- 133.1 (a1); 136-133.2; 136-133.3; 136-133.4; 136-133.5; 136-127;  
Eff. January 1, 2015.*

#### **19A NCAC 02E .0701      EMPLOYMENT OF PROFESSIONAL/SPECIALIZED FIRM: AUTHORIZATION**

(a) Except as set out Paragraph (b) of this Rule the employment by contract of any agency, firm or individual may be authorized and executed by any of the business unit managers listed under any of the following conditions:

- (1) The required work necessitates engineering or professional expertise and services not available on the staff of the department;
- (2) The required work can be accomplished more effectively, more efficiently, and more economically than by staff of the department;
- (3) The required work cannot be undertaken and accomplished by the staff of the department in time to meet the established schedule for development of the project; or
- (4) An emergency situation exists which requires expedient action to alleviate or minimize a condition representing a danger or economic loss to the public.

(b) Such employment shall not be considered when other agencies of the state which have staff with the necessary expertise are available to accomplish the required work in a satisfactory manner on a schedule and at a cost suitable to meet the department's requirements.

*History Note: Authority G.S. 136-28.1(f); 143B-350(f)(13) and (g);  
Temporary Rule Eff. June 11, 1982 for a Period of 51 Days to Expire on August 1, 1982;*

*Eff. August 1, 1982;*  
*Amended Eff. August 1, 2012; December 1, 1993; October 1, 1991; April 1, 1986;*  
*February 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
*Eff. September 6, 2016.*

#### **19A NCAC 02E .0702 SOLICITATION AND AWARD OF CONTRACT**

- (a) The Department shall maintain a "Directory of Transportation Firms" that have the necessary expertise and experience, and have expressed a desire to perform in professional engineering or other kinds of professional or specialized services for the Department in connection with transportation construction or repair. Prequalification pursuant to Rule .0703 of this Section shall be required for inclusion on the Directory or award of a contract under this Section.
- (b) Upon authorization by the Secretary of Transportation for the DOT staff to use a professional or specialized firm, a Selection Committee shall be established by the branch manager consisting of at least three members from the DOT staff who are experienced in the type of services to be contracted. For contracts anticipated to exceed fifty thousand dollars \$50,000, solicitation for proposals shall be by published advertisement. In addition, solicitation for interest may be by direct mail to all firms prequalified for the type of services to be contracted and selected from the Directory.
- (c) The firm(s) to be employed shall be selected for each project by the Selection Committee.
- (d) For contracts having a total cost over fifty thousand dollars (\$50,000) and for supplemental agreements award shall be made by the Secretary of Transportation.
- (e) Supplemental agreements that increase a cost of a project to more than fifty thousand dollars (\$50,000) shall be approved by the Secretary.
- (f) In an emergency situation, these Rules may be waived by the Secretary of Transportation or the Secretary's designee pursuant to G.S. 136-28.1(e). A qualified firm may be selected, negotiations conducted, and a contract executed by the Secretary of Transportation or the Secretary's designee as required to resolve the emergency conditions.

*History Note: Authority G.S. 136-28.1(e) and (f); 143B-350(f) and (g);*  
*Temporary Rule Eff. June 11, 1982 for a Period of 51 Days to Expire on August*  
*1, 1982;*  
*Eff. August 1, 1982;*  
*Amended Eff. October 1, 2014; December 1, 2012; December 29, 1993; October*  
*1, 1991; April 1, 1986; February 1, 1983;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*  
*Eff. September 6, 2016.*



**19A NCAC 02E .0703**

**PREQUALIFYING TO AWARD – PROFESSIONAL SERVICES FIRMS**

- (a) In order to ensure that contracts awarded pursuant to G.S. 136-28.1(f) and G.S. 143-64.31 are awarded to responsible firms, prospective professional services firms shall comply with the rules set forth in this Section except as otherwise provided by law.
- (b) In order to be eligible to contract with the Department pursuant to G.S. 136-28.1(f) and G.S. 143-64.31, all prospective professional services firms shall be prequalified with the Department to ensure that the firm is capable of performing the proposed contract.
- (c) The requirements of prequalification are as follows:
- (1) Applicants shall demonstrate the necessary experience, knowledge, and expertise to perform complete professional services contracts in which they submit or subcontract;
  - (2) Applicants shall demonstrate that they have sufficient financial resources, including available equipment and qualified personnel, and a financial statement (first time applicants and reinstatements only), to perform and complete professional services contracts in which they submit or subcontract;
  - (3) Applicants shall demonstrate that they have the necessary knowledge and expertise to comply with all state and federal laws relating to professional services contracts.
- (d) Prospective professional services firms shall update their prequalification status annually to show changes in the staff and updated information regarding necessary company business licenses.
- (e) Firms shall re-qualify every three years to show changes in the staff, updated information regarding necessary company business licenses, and updated project experience to ensure that prequalification remains based on recent experience of the staff that is not out of date.
- (f) A requalified professional services firm shall maintain compliance with the rules in this section at all times in order to be eligible to contract with the Department pursuant to G.S. 136-28.1(f) and G.S. 143-64.31. If at any time a professional services firm fails to comply with these rules, the Department shall disqualify the professional services firm from any further contracts until the firm is able to demonstrate compliance with these requirements by requalifying.

*History Note: Authority G.S. 136-28.1(e) and (f); 143-64.31; 143-B-350(f) and (g);  
Eff. October 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

**19A NCAC 02E .0801**

**PERMIT TO SOLICIT CONTRIBUTIONS**

In recognition of the State of North Carolina's legitimate concern for the safety and well-being of the traveling public as well as the right of citizens to the free exercise of religion, all religious organizations and those non-profit charitable or educational organizations with a history of concern for the health and safety of the traveling public are hereby authorized to solicit contributions at North Carolina Highway rest areas, wayside parks, and visitor welcome centers in accordance with these Rules. All other forms of solicitation by any other individuals or organizations are prohibited.

*History Note: Authority G.S. 20-175; 136-18;  
Eff. November 1, 1984;*

*Amended Eff. December 1, 1993; October 1, 1991; August 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

**19A NCAC 02E .0802 PERMITS REQUIRED**

- (a) All organizations desiring to solicit under the provisions of this Section must first obtain a permit from the Department of Transportation for the stated purpose of allowing their members to solicit at designated areas on the state highway system.
- (b) Written requests for permits for solicitation shall be sent to the appropriate Division Engineer of the Division of Highways in which the rest area or welcome center is located.
- (c) Written requests must include all of the following:
  - (1) copy of certificate showing that the applicant is exempt from federal income tax as a religious, educational or charitable organization as provided in 26 USC 501(c)(3) together with the applicant's tax exemption number;
  - (2) a statement indicating the locations where the organization intends to solicit contributions;
  - (3) the name and address of each individual authorized to solicit for the applicant;
  - (4) the name of an officer of the applicant, together with an address, to whom the permit is to be sent and complaints are to be directed; and
  - (5) if the request for a permit is from a non-religious educational or charitable organization, a written description of the organization's past efforts serving and promoting the safety of the traveling public.
- (d) When all the appropriate information required in Paragraph (c) of this Rule has been provided by the applicant, a permit shall be issued by the Chief Engineer, or his duly authorized representative, and said permit shall be effective for a period of 30 days from the date of issuance.
- (e) Each permit issued shall describe the activity authorized, the area in which it may be conducted, and the period of time for which the permit is issued.

*History Note: Authority G.S. 20-175; 136-18;  
Eff. November 1, 1984;  
Amended Eff. December 1, 2012; October 1, 1991; September 1, 1986; August 1, 1986; September 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

(a) Any member of an organization duly permitted under these Rules actually engaged in soliciting for contributions must provide and prominently display an identification tag or badge containing all of the following information:

- (1) a photograph;
- (2) name;
- (3) organization; and
- (4) DOT permit number.

(b) While engaged in the solicitation of contributions, individual solicitors shall orally identify themselves and state which organization they represent.

(c) Individual solicitors operating under a permit from the department shall be permitted to engage in their solicitation activities only between the hours of 9:00 a.m. and 5:00 p.m. each calendar day except during holidays, when a different time is authorized in the permit.

(d) Individual solicitors are prohibited from soliciting on any portion of a highway not designated as a rest area or welcome center.

(e) The area of the rest area which may be used shall be specified in the permit, and shall not impede visitors' access to rest facilities. At the same time, it shall provide visibility of the soliciting group when feasible.

(f) Individual solicitors may use incidental water and electric utility services at highway rest areas or visitor centers with connections at locations approved by the Division of Highways.

(g) A permittee shall be limited to one individual solicitor engaged in solicitation activities at each site, and this individual may have the assistance of no more than two other members of the permittee's organization.

(h) Individual solicitors shall not persist in soliciting after solicitation has been declined, and solicitors shall not solicit State employees who are identifiable as such.

(i) Individual solicitors shall not harass persons by demanding, threatening or intimidating conduct.

(j) While individual solicitors may solicit from the general public donations for printed matter, refreshments or religious paraphernalia, the individual solicitors must inform the person solicited if a minimum donation is required.

(k) All distribution of refreshments, pamphlets and other materials and transfers of money or funds solicited from a person acting pursuant to a permit issued by the Chief Engineer or his duly authorized representative, shall take place in or at the location specifically identified in the permit.

(l) Individual solicitors may not engage in dancing, chanting, the use of music or other noise producing instruments, megaphones, microphones or any other similar devices.

(m) Individual solicitors shall cease activities in the event of emergency situations involving dangers to the general public.

(n) Individual solicitors shall not interfere with pedestrian or vehicular traffic.

(o) No more than two organizations, one religious and one non-religious charitable or educational, may solicit at highway rest areas, wayside parks or visitor welcome centers at the same time.

*History Note: Authority G.S. 20-175; 136-18;*

*Eff. November 1, 1984;*

*Amended Eff. December 1, 2012; December 1, 1993; October 1, 1991; August 1,*

*1986; September 1, 1985;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .0804      REVOCATION OF PERMIT**

(a) Any of the following shall be grounds for revoking a permit issued under the provisions of these Rules:

- (1) failure to renew the permit issued to the organization;
- (2) loss of federal income tax exemptions;
- (3) violations of the restrictions on solicitations contained in Rule .0803 of this Section;
- (4) substantiated complaints of harassment of travelers by individual solicitors;
- (5) any action which adversely affects the health or safety of the traveling public;
- (6) fraud or misrepresentation in application on the part of the permittee.

(b) Any organization which applies for a permit for solicitation and is refused such a permit, or any organization which has its permit revoked, may make a written appeal within 30 days of the department's decisions to the Secretary of Transportation whose decisions shall be final.

*History Note: Authority G.S. 20-175; 136-18;*

*Eff. November 1, 1984;*

*Amended Eff. December 1, 1993; August 1, 1986; September 1, 1985;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .0901      NEWSPAPER DISTRIBUTION POLICY**

The Department of Transportation, in recognition of the First Amendment right of freedom of speech which includes the right to distribute newspapers in certain public areas, and in recognition of the State of North Carolina's legitimate concern for the safety and well-being of the traveling public and the commercial vending authority of the Division of Services to the Blind, Department of Human Resources, has determined that all distribution of newspapers at rest areas and welcome centers on all of North Carolina's highways shall be in accordance with the following Rules. All other forms of newspaper distribution at rest areas and welcome centers are prohibited.

*History Note: Authority G.S. 111-41 et seq.; 136-18(9);*

*Eff. October 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .0902 PERMITS REQUIRED**

- (a) A permit must be obtained from the Department of Transportation to distribute newspapers from newspaper dispensers at rest areas and welcome centers.
- (b) All permit requests must be in writing and must include the owner's name, address, telephone number and location of the newspaper dispenser, a plot plan showing the proposed location of the newspaper dispenser and a certification that such location is in conformity with this Section. The filing of a completed permit application will be considered a temporary permit pending the 30 day Department of Transportation review in Paragraph (c) of this Rule.
- (c) Within 30 days of receipt of the permit application, the Department of Transportation will review the proposed location and, if it meets all requirements, issue a permit. If the application does not meet all requirements, the Department shall issue a notice of nonconformance and list the reasons the application does not conform to the Department Rules.
- (d) The permit shall be valid until terminated or revoked for noncompliance with these Rules.

*History Note: Authority G.S. 136-18(9);*

*Eff. October 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

#### **19A NCAC 02E .0903 INDEMNIFICATION**

- (a) The owner of the news dispenser, upon the placement of a newspaper dispenser at a rest area or welcome center, assumes the unconditional obligation and thereby agrees to defend, indemnify and save harmless the State, its agents, servants and employees from all suits, actions or claims of any character brought because of death or any injury received or sustained by negligence of State employees or agents, arising out of the installation, use or maintenance of any newspaper dispenser located on State highway rest areas or welcome centers, or where such suit, action or claims arise out of such installation, use or maintenance of any newspaper dispenser being a contributing omission, neglect or misconduct by the permittee, or its employees, agents, distributors or servants relating to the installation, use or maintenance of any newspaper dispenser within the State highway rest areas or welcome centers.
- (b) The aforesaid indemnification provision shall be contained in each permit issued by the Department pursuant to this Section.

*History Note: Authority G.S. 136-18(9);*

*Eff. October 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

**19A NCAC 02E .0904 LOCATION, INSTALLATION AND MAINTENANCE/NEWSPAPER DISPENSERS**

Any newspaper dispenser which in whole or in part rests upon, in or over rest areas or welcome centers shall comply with the following standard:

- (1) Newspaper dispensers shall not exceed five feet in height, 36 inches in width, or 30 inches in depth;
- (2) Newspaper dispensers may be chained or otherwise attached to one another; however, no more than three newspaper dispensers may be joined together in this manner, and a space of no less than 18 inches shall separate each group of three newspaper dispensers so attached.
- (3) No newspaper dispenser shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of a newspaper or periodical sold therein.
- (4) Every newspaper dispenser placed at a rest area or welcome center shall have affixed thereto in a place where such information may be easily seen, the name, address, and telephone number of the owner and person (if different from the owner) responsible for maintaining the news dispenser.
- (5) No newspaper dispenser shall be chained, bolted or otherwise attached to any public fixture located within the State highway right of way, including, but not limited to, official signs, sign supports, guide rails, traffic signal supports, highway lighting supports, controller boxes, fire hydrants or bus shelters.
- (6) Newspaper dispensers shall be securely place so as to reasonably prevent personal injury or property damage due to tilting, tipping or overturning.
- (7) Every newspaper dispenser shall be maintained so that:
  - (a) It is reasonably free of dirt and grease.
  - (b) It is reasonably free of chipped, faded, peeling and cracked paint;
  - (c) It is reasonably free of rust and corrosion; and
  - (d) The structural parts thereof are intact.
- (8) No newspaper dispenser shall be within five feet of a fire hydrant, fire call box, police call box or any other emergency facility.
- (9) No newspaper dispenser shall be placed in lobbies of rest areas or welcome centers or along the sidewalk on the approach to the rest area or welcome center building. Newspaper dispensers also are not allowed under the roof overhangs of these buildings.
- (10) No newspaper dispenser shall be placed in such a way that it impedes vehicular, pedestrian or handicapped person movements on drive and walkways, at telephones, trash receptacles, water fountains, to and from picnic areas or to and from rest area and welcome centers service buildings.
- (11) No newspaper dispenser shall be placed along the curbs adjacent to parking areas. When a news dispenser is placed along a sidewalk it shall be placed parallel to and no more than six inches from the sidewalk edge farthest from the traffic curb.
- (12) Where vending facilities are in existence at rest areas or welcome centers, the newspaper dispensers shall be placed in close proximity to those buildings.
- (13) Where vending facilities are planned at a rest area or welcome center, the newspaper dispensers shall be placed near the planned location of the vending facility.

*History Note: Authority G.S. 136-18(9);  
Eff. October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

**19A NCAC 02E .0905      CONDITIONS, NOTICE OF VIOLATIONS AND APPEALS**

- (a) The continued placement, use and maintenance of newspaper dispensers is conditioned upon compliance with all the provisions of this Section. If any of the provisions of this Section are alleged to have been violated or if the location, installation, or condition of the newspaper dispenser no longer meets with the specifications of this Section the permittee shall be notified of the non-compliance by registered mail, return receipt requested.
- (b) The notice shall state the specific provision(s) of this Section which are alleged to have been violated.
- (c) The notice shall further state that, upon request by the permittee within 15 days of the receipt of said notice, the official issuing the notice of violation shall meet with the permittee to discuss the basis for the determination that a violation exists and any proposed means of eliminating any violations. That meeting shall take place within 30 days of said request. A request for such a meeting shall stay the further enforcement of this Section, except in emergency situations. Following any such meeting, the official issuing the notice of violation may rescind the notice if it is determined that there was no violation or in the event the alleged violation is otherwise eliminated. The official may also grant time for the correction of any violation upon request.
- (d) If, within 30 days after mailing the notice of non-compliance, or within 30 days after the meeting referred to in Paragraph (c) of this Rule, in the event a meeting is requested and does not resolve the dispute in a mutually acceptable manner, or the permittee has failed to remove the newspaper dispenser or otherwise correct the violation or reason for non-compliance, the permit shall be revoked and the permittee shall be notified by registered mail that the permit has been revoked.
- (e) The decision as provided for in Paragraph (d) of this Rule shall be the final agency decision.
- (f) If the permittee (or applicant where no permit has been issued) fails to appeal from the revocation of a permit or a decision not to grant a permit, and does not remove or have removed the newspaper dispenser in question within 30 days from the receipt of a revocation notice, the newspaper dispenser shall be removed by the Department of Transportation maintenance personnel and stored at a Department of Transportation maintenance yard. The permittee shall be notified by registered mail of the location of the newspaper dispenser and the hours when it may be obtained. The Department of Transportation shall not be liable for any damage to the newspaper dispenser, to any material contained therein, or for any lost sales caused by the removal, transportation or storage of the newspaper dispenser.

*History Note: Authority G.S. 136-18(9);  
Eff. October 1, 1991;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*



## **19A NCAC 02E .0906 COMPLIANCE WITH DIV OF SERVICES FOR THE BLIND REQUIREMENTS**

Permittees must comply with the requirements of the Division of Services for the Blind, Department of Human Resources, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act [20 USC 107a(a)(5)].

*History Note: Authority G.S. 111-41 et seq.; 136-18(9);  
Eff. October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02E .1001 DEFINITIONS**

This Section establishes the Department's rules for the administration, designation and removal of the North Carolina Scenic Byways Program. For purposes of this Section, the following definitions shall apply:

- (1) "Board" means North Carolina Board of Transportation.
- (2) "Byway" means a scenic highway.
- (3) "Designate" means a process for approving a road or a system of roads to the state system of Scenic Byways.
- (4) "D.O.H." means Division of Highways of the Department of Transportation.
- (5) "Interested Party" means any proponent or opponent of the proposal for the designation or removal of the Byway.
- (6) "Intrinsic Qualities/Resources" means unusual, exceptional, or distinctive scenic, recreational, historical, educational, scientific, geological, natural, wildlife, cultural, or ethnic features.
- (7) "Merit" means applications with all facts substantiated and considered suitable for further consideration.
- (8) "N.C.D.O.T./Department" means North Carolina Department of Transportation.
- (9) "Program" means the Scenic Byways Program and its associated administrative tasks.
- (10) "Promote" means to foster and encourage the advancement of the Scenic Byways Program.
- (11) "Removal" means the process of removing a Byway or a section of a byway from the state system of Scenic Byways.
- (12) "Report" means a summary of information prepared by the Roadside Environmental Unit.
- (13) "Roadside Environmental Unit" means a unit of the Department of Transportation.
- (14) "Scenic Byway/Highway" means a defined road or system of roads, designated by the Board of Transportation, having distinct natural, cultural, historical, and aesthetic qualities.
- (15) "Scenic Byway/Highway Management Plan" means strategic goals specifically outlined to preserve or enhance the scenic integrity along a state highway or state byway.
- (16) "Scenic Value" means a measurement of the aesthetic quality of an area determined through a visual inventory conducted by the Roadside Environmental Unit.
- (17) "T.I.P." means the Transportation Improvement Program.



*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .1002      PURPOSE**

- (a) The Scenic Byway/Highway system shall be established to provide the public with the opportunity to travel on a system of roads featuring the intrinsic qualities of the State within the existing highway system.
- (b) The Scenic Byway/Highway program is intended to identify not create scenic byways/highways.
- (c) The program and rules prescribed to sustain the integrity and safety of the scenic byway/highway system shall be incorporated into N.C.D.O.T. planning and maintenance operations.
- (d) All lawfully erected outdoor advertising signs adjacent to a Scenic Byway/Highway designated as a part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System shall become nonconforming signs and shall be allowed to remain until such time as funds become available for purchase.
- (e) The implementation of the system provides an alternative for safe travel, encourages tourism and economic growth, and promotes intrinsic qualities/resources along the highway system.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .1003      ADMINISTRATION OF PROGRAM**

- (a) The responsibilities and execution of duties of implementing and carrying out the goals of the Scenic Byway/Highway program are vested in the Division of Highways (DOH) of the NCDOT. The DOH is authorized:
  - (1) to plan, design, and develop the Scenic Byway/Highway System and Program;
  - (2) to develop and make recommendations, including routes to be designated or removed, to the Board of Transportation on the organization and operation of the Scenic Byway/Highway Program;
  - (3) to support the protection of historical, cultural, natural and aesthetic resources in areas adjacent to the highway.
- (b) Other administrative duties which shall be conducted by the Department are:
  - (1) to compose and provide application forms for proposed Scenic Byway/Highway locations and for removal of Scenic Byway/Highway locations from the system;
  - (2) to coordinate and manage Scenic Byway/Highway system signing;

- (3) to annually review and file a report by February 1 each year with the Secretary of Transportation on the existing Scenic Byways/Highways in the system and those highways offered for both designation and removal in the system;
- (4) to oversee interaction between the Department of Transportation and public/private entities interested in the development or management of the State Byway/Highway system;
- (5) to develop and make available to the public interpretive information about the Scenic Byways and Highways.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

#### **19A NCAC 02E .1004 DESIGNATION CRITERIA**

(a) The following criteria shall be required for a route to be included in the Scenic Byway/Highway system:

- (1) highway design which preserves and protects the natural beauty or scenery of the area;
  - (2) location on an existing highway or roadway having legal public access;
  - (3) minimum consecutive length of one mile;
  - (4) adequate land area to accommodate safe enjoyment of scenic attractions;
  - (5) evidence of strong local support for the designation established by the proponent of the designation, which includes but is not limited to petitions, letters, and newspaper articles;
  - (6) significant natural or aesthetic features visible from and adjacent to the roadway. Such features include but are not limited to agricultural lands, vistas of marshes, shorelines, forests, and other areas of dense vegetation or notable geographic characteristics;
  - (7) intrinsic qualities such as but not limited to historical, cultural, or recreational resources in the area.
- (b) The NCDOT shall determine that development of the designated area shall not detract from the scenic natural character and visual quality of the route. The Department shall ensure the route is compatible with recreational, aesthetic, and environmental management needs of the area.
- (c) Designation of a highway as a Scenic Byway/Highway shall not significantly interfere with the operation or maintenance of existing public utility lines and facilities.
- (d) Designation of a highway as a Scenic Byway/Highway shall not be construed to require any modification in local land use regulations or restrictions, require any change in commercial or agricultural activities, or affect future highway rehabilitation, development, or the need to maintain or improve the roads.
- (e) Preference shall be given to a Scenic Byway/Highway with existing protected areas such as national forests or federal or state park land near or adjacent to the proposed route.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

**19A NCAC 02E .1005      DESIGNATION PROCESS**

The process for designation as a Scenic Byway shall be as follows:

- (1) A non-profit organization, which includes but shall not be limited to a county commission or the governing body of any municipality, may submit an application to the Roadside Environmental Unit of the Department of Transportation with proper Scenic Byway/Highway identification on the envelope;
- (2) Roadside Environmental Unit shall review the application and prepare a written report, which includes findings on the designation criteria set in 19A NCAC 02E .1004 and a recommendation on whether the proposal should be adopted or rejected;
- (3) Proposed routes deemed to have merit based on criteria in 19A NCAC 02E .1004 shall be submitted by the DOH staff to the Board of Transportation for approval or denial;
- (4) At the request of any interested party, the Citizens Participation Unit of the N.C.D.O.T. shall hold a public hearing to consider any proposal recommended for approval;
- (5) If a hearing is requested the proponents of the Byway shall place a legal notice in at least one newspaper in the municipality nearest the proposed Scenic Byway/Highway and in three successive issues. The notice shall contain the date, time, and location of the hearing and a summary of the proposed designation. Proponents of the Byway/Highway shall be responsible for the cost of the legal notice. In addition to the hearing, written comments shall be accepted by the Roadside Environmental Unit for 30 days from the publication of the hearing notice. If no hearing is requested, written comments may be submitted and shall be accepted for 90 days from the date of application. A request for public hearing shall be made within 60 days from the receipt of the application. The hearing shall be held no sooner than 14 days following the last day of the legal notice and no later than 30 days following the last day of the legal notice;
- (6) The Department shall notify the proponent in writing of the Board of Transportation's approval or denial of the proposal;
- (7) The Board may designate any route or section of a route at anytime so long as the Board meets the criteria in 19A NCAC 02E .1004.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02E .1006      APPLICATION FOR DESIGNATION**

- (a) The following items shall be included for a Scenic Byway application:
- (1) the proponent's name, address, telephone number, and email address, and the name, address, email address, and telephone number of the organization, if applicable;
  - (2) a written description of the section of highway to be designated, including a description of the section's unusual, exceptional, or distinctive scenic, recreational, historical, educational, scientific, geological, natural, wildlife, cultural or ethnic features;
  - (3) photographic files of the area that demonstrate the section's qualities of significance;
  - (4) county maps with the proposed route marked;
  - (5) copies of zoning ordinances applicable to the route or a written list of existing land-use areas for unzoned areas;
  - (6) documentation of notice given to local governments adjacent to proposed route;
  - (7) for unzoned areas, a written list of commercial or industrial activities adjacent to or within 800 feet of the pavement of the proposed route; and
  - (8) an optional Scenic Byway Management Plan may be submitted with an application.
- (b) Completed applications shall be sent to the Roadside Environmental Unit, 1557 Mail Service Center, Raleigh, NC 27699-1557, no later than August 31 of each year. Incomplete applications shall not be accepted and will be returned to the proponent.
- (c) The application and all application materials are public records pursuant to Chapter 132 of the North Carolina General Statutes.

*History Note: Authority G.S. 136-18(5); 136-18(31); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Readopted Eff. March 1, 2019.*

## **19A NCAC 02E .1007      REMOVAL PROCESS**

- (a) A route or section of a route may be removed if its character has changed such that it meets the criteria for removal as specified in G.S. 136-18(31) and taking into consideration that it no longer meets the criteria as set out in 19A NCAC 02E .1004.
- (b) The process of removal shall be as follows:
- (1) A non-profit organization, which includes but shall not be limited to a county commission or the governing body of any municipality, may submit an application for removal to the Roadside Environmental Unit of the Department of Transportation with proper Scenic Byway/Highway identification label on the envelope;
  - (2) The Roadside Environmental Unit shall review application, prepare a report incorporating a study of the scenic value of the submitted route or section of route and submit proposals deemed to have merit as specified in 19A NCAC 02E .1004 to the Board of Transportation;
  - (3) At the request of any interested party, the Citizens Participation Unit of the N.C.D.O.T. shall hold a public hearing to consider any proposal recommended for removal;
  - (4) If a hearing is requested the proponent of the Byway removal shall place a legal notice in at least one newspaper in the municipality nearest the route or section of a

- route proposed for removal and in three successive issues. The notice shall contain the date, time, and location of the hearing and a summary of the removal proposal. Proponents of the removal shall be responsible for the cost of the legal notice. In addition to the hearing, written comments shall be accepted by the Roadside Environmental Unit for 30 days from the publication of the hearing notice. If no hearing is requested, written comments may be submitted and shall be accepted for 90 days from the date of application. A request for public hearing shall be made within 60 days from the receipt of the application. The hearing shall be held no sooner than 14 days following the last day of the legal notice and no later than 30 days following the last day of the legal notice;
- (5) The Board of Transportation shall approve or deny application; and
  - (6) The Department shall notify the applicant of approval or denial.
- (c) The Board may remove any route or section of a route from the Scenic Byway System at anytime so long as the Board meets the criteria for removal outlined in these Rules and in G.S. 136-18.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348; Eff. March 1, 1995;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **19A NCAC 02E .1008          REMOVAL APPLICATION**

- (a) The following shall be included in a Scenic Byway removal application, but is not limited to such items, to be considered.
- (1) Characteristic which has changed such that it no longer meets criteria for designation;
  - (2) Documentation of current zoning, ordinances, and other land-use controls;
  - (3) Documentation of public notification of removal to relative parties and legal notice of public notification;
  - (4) Written route or section of route description, including elements supporting the proposal to remove;
  - (5) Written applicant information including name, address, and telephone number;
  - (6) Photographic slides of characteristics supporting proposal to remove;
  - (7) County maps with route or section of route marked.
- (b) Application must be received by the Roadside Environmental Unit, N.C.D.O.T., P.O. Box 25201, Raleigh, NC 27611 at least six months prior to the annual Board meeting set aside for Scenic Byway review. Incomplete applications shall not be accepted and will be returned to the proponent.
- (c) All applications and application materials shall become property of the North Carolina Department of Transportation.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348; Eff. March 1, 1995;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **19A NCAC 02E .1009 BOARD OF TRANSPORTATION EVALUATION**

(a) The Board of Transportation shall annually evaluate the Scenic Byway/Highway Program at its March meeting.

(b) The review and evaluation shall include, but not be limited to, the following:

(1) An examination of funding for the program;

(2) A determination of suitability of those proposed routes for designation and removal.

A request for further information on the proposed route may be made by the Board.

The suitability of the route shall be decided at a later date.

(c) The annual meeting date, place, and time shall be determined by the Board of Transportation and shall be consistent within each calendar year and with the annual Transportation Improvement Program (TIP) public hearings.

(d) The Board of Transportation retains the authority to designate or remove a route or a section of a route from the Scenic Byway/Highway system at any time. Prior to making its decision, the DOH shall prepare a recommendation to the Board.

*History Note: Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;*

*Eff. March 1, 1995;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

#### **19A NCAC 02E .1101 TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM**

(a) The Tourist-Oriented Directional Sign Program, hereinafter "Program," offered by the North Carolina Department of Transportation, hereinafter "Department," provides directional signing for eligible tourist attractions located on the state non-freeway system which is located within the right-of-way at intersections as specified in the Manual on Uniform Traffic Control Devices (MUTCD).

(b) Requests for information may be directed to the State Traffic Engineer, Division of Highways, Department of Transportation, 1592 Mail Service Center, Raleigh, North Carolina 27699-1592.

(c) Applications for participation in the program shall be accepted by the Division Engineer who is responsible for the county where the attraction is located.

*History Note: Authority G.S. 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);*

*Temporary Adoption Eff. January 1, 2003;*

*Eff. August 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. September 6, 2016.*

## **19A NCAC 02E .1102**      **DEFINITIONS**

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136- 140.19; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*

## **19A NCAC 02E .1103**      **LOCATION OF TODS**

The Department shall administer the erection and maintenance of official signs giving specific information of interest to the traveling public in accordance with this Rule.

- (1) The Department shall only erect panels at at-grade intersections. An at-grade intersection is an intersection that is controlled by stop signs or traffic signals. A TODS Trailblazer shall be installed if further direction is needed to guide the tourist from the intersection to the attraction.
- (2) Panel placement shall be determined by the Department according to the natural terrain and shall not block scenic vistas.
- (3) A separate sign panel shall be provided on the intersection approach for each eligible attraction in accordance with G.S. 136-140.16. Panels shall be allowed in each direction only when lateral spacing is available.
- (4) TODS panels shall be located at least 200 feet in advance of the main intersection. Signs shall be spaced at least 200 feet apart and at least 200 feet from other traffic control devices. TODS panels shall not be located more than one-half (0.5) mile from the center of the main intersection and shall not be placed in the signing sequence for any other prior intersections.
- (5) Warning, regulatory, guide, or other official highway signs shall take precedence over TODS.

*History Note: Authority G.S. 136-89.56; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19;  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Readopted Eff. August 1, 2019.*

## **19A NCAC 02E .1104**      **ELIGIBILITY FOR PROGRAM**

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136- 140.19; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*



#### **19A NCAC 02E .1105      COMPOSITION OF SIGNS**

- (a) No TODS panel shall be displayed in a manner that would mislead or misinform the traveling public.
- (b) No message shall interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or similar device.
- (c) Each TODS panel shall include only information related to that attraction.
- (d) TODS panel and trailblazer designs shall be in conformance with the standards as specified in the MUTCD, as defined in G.S. 136-130, and approved by the Department, prior to fabrication and shipment.

*History Note: Authority G.S. 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19;  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Readopted Eff. August 1, 2019.*

#### **19A NCAC 02E .1106      TODS PROGRAM FEES**

- (a) The annual fee for each TODS panel or TODS Trailblazer shall be two hundred dollars (\$200.00).
- (b) All participating businesses shall pay the annual fee prior to installation of the TODS panel(s).
- (c) The annual fee shall be paid by check or money order and due in advance of the period of service requested. Failure to pay a fee when due shall be grounds for removal of the TODS panel.

*History Note: Authority G.S. 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19;  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Readopted Eff. August 1, 2019.*

#### **19A NCAC 02E .1107      CONTRACTS WITH THE DEPARTMENT** **19A NCAC 02E .1108      APPEAL OF DECISION**

*History Note: Authority G.S. 136-89.56; 136-130; 136-140.15; 136-140.16; 136-140.17; 136-140.18; 136-140.19; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Expired Eff. October 1, 2016 pursuant to G.S. 150B-21.3A.*



### **19A NCAC 02E .1201      PURPOSE**

The North Carolina Department of Transportation's Public Vehicular Area designation exists to allow private property to be designated as a public vehicular area by the private property owner.

*History Note: Authority G.S. 20-4.01(32); 20-219.4; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02E .1202      DEFINITIONS**

For the purposes of the rules in this Section, the following definitions shall apply:

- (1) "Department" shall mean the North Carolina Department of Transportation.
- (2) "Participants" shall mean the private property owners who have registered property as a Public Vehicular Area.

*History Note: Authority G.S. 20-4.01(32); 20-219.4; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

### **19A NCAC 02E .1203      PARTICIPATION**

- (a) The Division Engineer or his designee shall acknowledge receipt and registration of applications from participants applying to participate in designating a Public Vehicular Area.
- (b) By certified check or money order, each participant shall pay a one time non-refundable fee of two hundred dollars (\$200.00) for each registration. If the property is sold, the PVA registration shall transfer to the new owner unless the new owner chooses to amend or modify the agreement. This registration fee shall cover the cost of one certified copy of the registration of the Public Vehicular Area. Requests for additional certified copies shall be submitted to the Division Engineer in writing along with a check or money order for five dollars (\$5.00) per copy.
- (c) All applications shall be submitted on a form furnished by the Department.

*History Note: Authority G.S. 20-4.01(32); 20-219.4; 143B-346; 143B-348; 143B-350(f);  
Temporary Adoption Eff. January 1, 2003;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*

## **19A NCAC 02E .1204 RESPONSIBILITIES OF PARTICIPANTS AND DEPARTMENT**

(a) The Department shall provide a copy of the official design of the signs that shall state "Public Vehicular Area G.S. 20-219.4."

(b) Any participant shall:

- (1) Locate signs in a manner that does not inhibit sight distance or create a safety hazard;
- (2) Fabricate, install, and maintain signs in accordance with the Manual on Uniform Traffic Control Devices;
- (3) Erect signs so as to provide reasonable notice to the motorist. Signs indicating Public Vehicular Area shall be placed at the driveway entrances to the area and within the limits of the Public Vehicular Area. The signs shall not be placed in the public right of way.

*History Note: Authority G.S. 20-4.01(32); 20-219.4; 143B-346; 143B-348; 143B-350(f); Temporary Adoption Eff. January 1, 2003; Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

## **19A NCAC 02E .1205 TERMINATION OF THE AGREEMENT**

(a) Any participant may choose to cancel the agreement by notifying the Department. No prorated refund shall be given to the participant due to cancellation of agreement.

(b) A participant may choose to modify the agreement by resubmitting an application and two hundred dollars (\$200.00) fee for each registration.

*History Note: Authority G.S. 20-4.01(32); 20-219.4; 143B-346; 143B-348; 143B-350(f); Temporary Adoption Eff. January 1, 2003; Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

## **19A NCAC 03F .0201 TRAFFIC ACCIDENT SUMMARY**

(a) The Collision Reports/General Services Section publishes a summary of motor vehicle traffic accidents monthly and annually. This publication contains information on all types of motor vehicles, pedestrian and bicycle accidents. The accidents are categorized by:

- (1) county,
- (2) rural or urban,
- (3) time of day,
- (4) day of week,
- (5) drivers by age and sex.

(b) The summary is provided to federal and state agencies, officers of the court, the Division of Highways, research institutes and libraries. It is also available to the general public upon request.

*History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982.*

#### **19A NCAC 03F .0202 FATAL ACCIDENT REPORTS**

The Collision Reports/General Services Section publishes monthly a report on the number of fatal accidents and the number of persons killed in these accidents. Comparisons are made with information from the prior year. This report is furnished to officers of the court, the Highway Patrol and the news media.

*History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982.*

#### **19A NCAC 03F .0203 SPECIAL HOLIDAY REPORT**

Special holiday reports giving information on prior year fatalities, injuries, accidents and driver violations are published by the Collision Reports/General Services Section. These reports are provided to the National Safety Council and the Highway Patrol and are used by the news media to project accidents over a holiday period.

*History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982.*

#### **19A NCAC 04A .0104 HIGHWAY TRAFFIC ORDINANCE AUTHORITY**

- (a) The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules for the use of and to police traffic on state highways.
- (b) The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt all necessary rules 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.

*History Note: Authority G.S. 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1995; December 1, 1993; September 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

#### **19A NCAC 04A .0105 BRIDGE WEIGHT LIMITATION**

Any bridge that will not carry the maximum permissible statutory load limits shall have posted at each end of the bridge the gross weight limits as determined by the Chief Engineer or his designee.

*History Note: Authority G.S. 143B-350; 136-72;*

*Eff. July 1, 1978;*

*Amended Eff. December 1, 2012; June 1, 1995; December 1, 1993; April 1, 1986;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. October 24, 2015.*

#### **19A NCAC 04A .0106 LIGHT TRAFFIC ROADS**

(a) The maximum axle weight permitted for any vehicle operated on a road designated as a "Light Traffic Road" shall be 13,000 pounds. (b) The Division Engineer shall keep a record of all "Light Traffic Roads" in the respective division and the reason for such designations. He shall review the status of all "Light Traffic Roads" in the respective division at least annually for the purpose of recommending changes in the status of the roads. (c) The restricted axle load limit of trucks and other vehicles on "Light Traffic Roads" does not raise the load limit posted on any bridge on the "Light Traffic Roads".

*History Note: Authority G.S. 20-118(a)(5); 20-118(b)(4); 20-118(c)(4),(5); 20-118(d);*

*143B-350(f) and (g);*

*Eff. July 1, 1978;*

*Amended Eff. December 1, 1993; April 1, 1986; April 1, 1984;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. October 24, 2015.*

#### **19A NCAC 04A .0107 RULES ON OUTDOOR ADVERTISING**

The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate outdoor advertising in accordance with related state and federal rules and statutes.

*History Note: Authority G.S. 143B-350(f); 143B-350(g); 136-130;*

*Eff. July 1, 1978;*

*Amended Eff. December 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. October 24, 2015.*

#### **19A NCAC 04A .0108      RULES ON JUNKYARDS**

The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate junkyards in accordance with related state and federal rules and statutes.

*History Note: Authority G.S. 143B-350(f); 143B-350(g); 136-151;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015*

#### **19A NCAC 04A .0109      RULES CONCERNING DIVISION OF MOTOR VEHICLES**

The Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules concerning the Division of Motor Vehicles.

*History Note: Authority G.S. 143B-350(f),(g);  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

#### **19A NCAC 05B .0201      PRE-AWARD AUDIT: FINANCIAL CAPABILITIES**

All contracting firms, agencies, or recipients of grants or loans, except those whose contract was awarded as a result of the bidding process, state purchasing procedures, and local governments reporting under the Single Audit Act (Office of Management and Budget Circular A-128, "Audits of State and Local Governments"), who are entering into a contract or agreement with the Department of Transportation shall submit, if requested, to the External Audit Branch of the Department of Transportation their current balance sheet, income statement, chart of accounts, and any other data that may be determined to be necessary by the auditors, in order that the auditors may render an opinion as to whether the firm is financially capable of fulfilling the terms of the contract or agreement. The auditor's findings will be reported to the appropriate contracting officer.

*History Note: Authority G.S. 143-2; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

#### **19A NCAC 05B .0202      PRE-AWARD AUDIT: ACCOUNTING SYSTEM**

All contracting firms, agencies, or recipients of grants, except those whose contract was awarded as a result of the bidding process, state purchasing procedures, and those classified as local governments reporting under the Single Audit Act (Office of Management and Budget Circular A-128, "Audits of State and Local Governments"), shall allow their accounting systems to be reviewed by the External Audit Branch of the Department of Transportation in order that the auditors may determine that the accounting system is capable of segregating and maintaining costs applicable to the contract or agreement.

*History Note: Authority G.S. 143-2; 143B-10(j);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

#### **19A NCAC 05B .0203      PRE-AWARD AUDIT: PROPOSED COSTS**

Before a contract or agreement is executed, a pre-award audit may be performed by the External Audit Branch utilizing the historical costs of the proposing party to ascertain that the proposed charges are valid, reasonable, and allowable.

*History Note: Authority G.S. 143B-10(j); 143-2;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

#### **19A NCAC 05B .0204      DESK OR FIELD AUDIT**

The determination as to whether an audit will be a "desk" audit or a "field" audit will be at the discretion of the auditor. The auditor's decision will be based on the complexity of the contract or agreement, prior experience with the firm, agency or recipient and the amount of information concerning the contracting firm that is available in the external audit branch's audit file.

*History Note: Authority G.S. 143B-10(j); 143-2;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015*

**19A NCAC 05B .0205            WAIVER OF AIRPORT PRE-AUDIT**  
**19A NCAC 05B .0206            INFORMATION IN LIEU OF AIRPORT PRE-AUDIT**

*History Note: Authority G.S. 143B-10(j); 113-28.10;*  
*Eff. July 1, 1978;*  
*Repealed Eff. November 1, 1991.*

**19A NCAC 05B .0207            PARTIAL: INTERIM: OR FINAL AUDIT: DESK OR FIELD**  
**19A NCAC 05B .0208            PERFORMANCE OF PARTIAL AND FINAL AUDITS**

*History Note: Authority G.S. 143B-10(j); 143-2;*  
*Eff. July 1, 1978;*  
*Repealed Eff. December 1, 1993.*

**19A NCAC 05B .0209            DEFINITIONS**

The following terms are defined to mean:

- (1) "Audit" is used to describe the following services performed in accordance with Government Auditing Standards of the U.S. General Accounting Office (GAO Yellow Book);
  - (a) A final audit of completed actual cost projects to determine that costs claimed by the contractor or grantee are allowable in accordance with governing regulations and the terms of the contract or agreement.
  - (b) An interim audit during the life of a project as the needs for such are determined by the Fiscal Section or the Contracting Officer.
  - (c) An overhead audit to determine what amount or rate of indirect costs may be included with direct charges to a project or grant.
  - (d) A post audit on completed lump-sum cost projects to determine a company's actual labor, overhead, non-salary direct cost and fee as compared to negotiated cost elements.
  - (e) A pre-award audit of the proposed costs included in a contract or agreement to determine that the rates for labor, material, equipment, and overhead are reasonable and allowable. A preaward audit may also be performed to evaluate a company's accounting system or its financial capability.
- (2) "Desk" is used to describe an audit which is performed by an auditor of the External Audit Branch in the branch's office. Information submitted by the auditee, prior audits, and information in the branch's files are utilized to perform the audit.
- (3) "Field" is used to describe an audit which is performed at the office or job site of the contracting party and utilizes all accounts, records, journals, and documents that the auditee has maintained for the work.
- (4) "Historical Costs" means the costs or expenses that have been incurred in prior years by a contractor or grantee.

*History Note: Authority G.S. 143B-10(j); 143B-348; 143-2;*  
*Eff. July 1, 1978;*

*Amended Eff. December 1, 1993;  
Transferred and Recodified from 19A NCAC 5B .0102 Eff. May 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. October 24, 2015.*

**19A NCAC 05B .0301 ADOPTION OF FEDERAL CONTRACT GUIDELINES**

(a) In order to provide consistency and uniformity in the administration of all contracts, these the following guidelines including any subsequent amendments or editions of the same are hereby incorporated by reference as rules of the North Carolina Department of Transportation to be used as contract guidelines on non-federally funded projects. Policies in effect on the date a contract is entered into will govern the contract for the duration of the contract. Copies of the below listed items are available for inspection in the Office of the DOT Controller.

(b) The guidelines hereby incorporated are:

- (1) Federal-Aid Highway Program Manual which is available at no cost from the N.C. DOT Design Services Branch, P.O. Box 25201, Raleigh, NC 27611:

Volume	Chapter	Section	Subsection
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1	4	3	
Reimbursement for railroad work - Issued 8-5-88			

1	4	5	
Payroll and related expense of public employees; general administration and other overhead; and cost accumulation centers and distribution methods - Issued 1-26-81			

1	7	2	
Administration of negotiated contracts – Issued 1-21-80			

4	1	2	
Administration of highways planning projects - Issued 11-5-86			

6	6	3	1
Utility relocations, adjustments and reimbursements - Issued 11-11-88			

- (2) Code of Federal Regulations which is available from the US Government Printing Office, Washington, DC 20402. The cost for Title 48 Part 31.2 is thirty one dollars (\$31.00). The cost for Title 49 Part 18 is twenty dollars (\$20.00). The cost for Title 23 Part 172 is eighteen dollars (\$18.00):

Title 48 Part 31.2  
Contracts with commercial organizations – Issued 4-28-89

Title 49 Part 18  
Uniform administrative requirements for grants and cooperative agreements with state and local governments (USDOT Common Rule) - Issued 3-11-88



Title 23 Part 172

Administration of Engineering and Design related services contracts -- Issued 4-30-91

- (3) Office of Management and Budget Circulars which are available from OMB Publications Office, Washington, DC 20503 at no cost:

OMB Circular A-21

Cost principles for educational institutions -- Issued 3-6-79

OMB Circular A-87

Cost principles for state and local governments -- Issued 1-1-81

OMB Circular A-102, Attachment A-O

Uniform administrative requirement for grants-in-aid to state and local governments -- Issued 1-1-81

OMB Circular A-102 (Revised)

Grants and cooperative agreements with state and local governments -- Issued 3-11-88

OMB Circular A-110

Grants and agreements with institutions of higher education, hospitals and other non-profit organizations -- Issued 7-1-76

OMB Circular A-122

Cost principles for non-profit organizations - Issued 7-80

OMB Circular A-128

Audits of state and local governments - Issued 4-12-85

OMB Circular A-133

Audits of institutions of higher education and other non-profit organizations -- Issued 3-8-90

OMB Compliance Supplements

USDOT Programs only - Issued 9-90

- (4) Federal Transportation Administration Circulars which are available from FTA Publications Office, Washington, DC 20590 at no cost:

FTA C 4220.1B

Third party contracting guidelines - Issued 5-5-88

FTA C 5700.1

Requirements and responsibilities indirect cost proposals/cost allocation plans for technical studies and capital grants-- Issued 5-24-83

FTA C 7005.1

Documentation of private enterprise participation required for Section 3 & 9 programs - Issued 12-5-86

FTA C 7010.1

Capital cost of contracting - Issued 12-5-86

(5) Department of Treasury Circular which is available at no cost from the N.C. DOT External Audit Branch, P.O. Box 25201, Raleigh, NC 27611:

Circular 1075.1 Part 205 Withdrawal of cash from the Treasury for advances under Federal grant and other programs - Issued 10-14-77

(6) Federal Single Audit Act issued 10-11-84 (P.L. 98-502), which is available from GAO Document Center, Washington, DC 20548 at no cost.

*History Note: Authority G.S. 143B-10; 143B-348;*

*Eff. July 1, 1978;*

*Amended Eff. December 1, 1993; November 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

*Eff. October 24, 2015.*