



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

ROY COOPER
ATTORNEY GENERAL

REPLY TO:
Ebony J. Pittman
Transportation Section

February 25, 2008

Honorable Lyndo Tippet, Secretary
North Carolina Department of Transportation
1501 Mail Service Center
Raleigh, NC 27699-1501

Honorable Brian E. Beatty, Secretary
North Carolina Department of Crime Control and Public Safety
4701 Mail Service Center
Raleigh, NC 27699-4701

Re: **Advisory Letter: Interpretation of N.C. Gen. Stat. § 20-115.1(b)**

Dear Secretary Tippet and Secretary Beatty:

In a letter dated February 7, 2008, you requested an advisory letter from the Attorney General's Office regarding N.C. Gen. Stat. § 20-115.1(b), specifically whether a semitrailer of not more than 53 feet should be restricted to those routes as are set out in Appendix A to 23 CFR 658 unless otherwise exempt pursuant to N.C. Gen. Stat. § 20-115.1(g). Please note that this letter has not been approved in accordance with the procedures for an advisory opinion of the Department of Justice.

By way of background, N.C. Gen. Stat. § 20-115.1, "Limitations on tandem trailers and semitrailers on certain North Carolina highways," has separate restrictions for what are commonly known as "twin trailers" from those vehicles known as "53 foot semitrailers."

N.C. Gen. Stat. § 20-115.1 provides, in pertinent part, as follows:

(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.

MAILING ADDRESS:
DEPARTMENT OF TRANSPORTATION
ATTORNEY GENERAL'S OFFICE
1505 MAIL SERVICE CENTER
RALEIGH, NC 27699-1505

TELEPHONE: 919-733-3316
FACSIMILE: 919-733-9329

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

(b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor may be operated on the interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 U.S.C. 2311(i)) **and federal-aid primary system highways designated by the United States Secretary of Transportation. . . .**

(Emphasis added)

With certain exceptions set forth in this statute, N.C. Gen. Stat. § 20-115.1 limits “twin trailers” to specially designated sections of the federal-aid primary system of highways. However, “53 foot semitrailers” are allowed on the entire federal-aid primary system of highways.

It appears that maps provided by the North Carolina Department of Transportation to law enforcement have generated questions concerning the proper application of subsections (a) and (b) of N.C. Gen. Stat. § 20-115.1. N.C. Gen. Stat. § 20-115.1 (a) sets forth the routes for “twin trailers” to include the National Network. The “North Carolina National Truck Network for STAA Vehicles” map currently used by the North Carolina Department of Transportation shows only those specially designated sections of the federal-aid primary system designated by the U.S. Secretary of Transportation as the National Network. Appendix A to 23 CFR 658 sets out a detailed list of individual routes that comprise the National Network. The Department has correctly used this map to show the more restrictive truck routes regulating “twin trailers” in North Carolina.

N.C. Gen. Stat. § 20-115.1 (b) allows motor vehicle combinations consisting of a truck tractor and 53 foot semitrailer to operate on the interstate highways and the federal-aid primary system highways designated by the U.S. Secretary of Transportation, provided certain measurements relating to axles or rear underride guards are met.

The Code of Federal Regulations defines “federal-aid primary system” as the Federal-aid Highway System of rural arterials and their extensions into or through urban areas in existence on June 1, 1991. 23 CFR 658.5. The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), abolished the federal-aid primary system. However, for the purpose of truck length, width and weight regulations, 23 CFR 658.5 continues to define the federal-aid primary system as that system which was in existence on June 1, 1991.

Based on a literal reading of N.C. Gen. Stat. § 20-115.1 (b) and 23 CFR 658.5, “53 foot semitrailers” are, therefore, allowed on Interstates and on the federal-aid primary system, as it existed on June 1, 1991. This interpretation expands the number of routes available to “53 foot semitrailers.”

Honorable Lyndo Tippet
Honorable Brian E. Beatty
February 25, 2008
Page - 3 -

I am informed that the Department of Transportation has available a map showing the federal-aid primary system as it existed on June 1, 1991, and can provide it to law enforcement for the regulation of "53 foot semitrailers."

I trust this correspondence is responsive to your inquiry.

Very truly yours,



Ebony J. Pittman
Assistant Attorney General

EJP/sp

[135956]