



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
P.O. BOX 25201  
RALEIGH 27611-5201

JAMES G. MARTIN  
GOVERNOR

April 10, 1991

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON  
SECRETARY

WILLIAM G. MARLEY, JR., P.E.  
STATE HIGHWAY ADMINISTRATOR

MEMORANDUM TO: Division and District Engineers  
FROM: Jack Murdock  
Secondary Roads Officer  
SUBJECT: Attached Ordinance Relating to Highway Obstructions  
Within the Right-of-Way of State Maintained Roads

Attached is an ordinance approved by the Board of Transportation at the April 5, 1991, meeting which is to be used when removing obstructions in State maintained road right-of-way which are safety hazards to the traveling public.

This ordinance can be used only after thorough review of each obstruction to be removed by both the Division Engineer and the Board of Transportation Member involved. This ordinance was approved after much debate by Board of Transportation Members. It was approved to give you more support to remove dangerous obstructions that have been placed recently or dangerous obstructions that have existed in the right-of-way for some time. It was not approved to begin to remove obstructions just for the sake of removing obstructions.

The Board desires that obstructions should be prioritized Divisionwide and an effort made to begin one by one to remove the most dangerous first.

Please give this your immediate attention in order that there will be no misunderstanding by your managers as to the extent of the Board's action.

JM/jb  
Attachment

CC: Secretary Thomas J. Harrelson  
Board of Transportation Members  
Jake Alexander, Deputy Secretary  
W. G. Marley, Jr., State Highway Administrator  
D. W. Bailey, Chief Engineer  
Eugene A. Smith, Senior Deputy Attorney General  
James M. Lynch, State Traffic Engineer

April 5, 1991

RE: AMENDMENT TO NORTH CAROLINA ADMINISTRATIVE CODE  
HIGHWAY OBSTRUCTIONS

The following resolution was unanimously approved upon a motion by Board Member \_\_\_\_\_ which was seconded by Board Member \_\_\_\_\_:

The State Highway General Ordinances are amended by rewriting 19A:NCAC:02E.0404 to read as follows:

"0404 HIGHWAY OBSTRUCTIONS, INCLUDING DRIVEWAY HEADWALLS, FENCES, RURAL MAILBOXES, NEWSPAPER DELIVERY BOXES AND OTHER ROADSIDE OBSTRUCTIONS, INTERFERING WITH TRAFFIC OR MAINTENANCE

(a) It shall be unlawful to place any highway obstruction, including 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) Effective April 5, 1991, after a determination based upon current safety standards that any highway obstruction, including a driveway headwall, fence, rural mailbox, newspaper delivery box, its supports or other roadside obstruction, constitutes an unreasonable roadside collision hazard, the highway obstruction shall be removed within 30 days after written notice to the person responsible for placing the obstruction within the right-of-way.

(c) Only mailboxes and/or newspaper delivery boxes with non-rigid type posts, such as a 4" x 4" wooden or a small diameter metal type, are permitted on road additions to the state highway system after May 3, 1990. This policy prohibits the location within the right-of-way of an addition to the system of any brick columns or mailboxes and/or newspaper delivery boxes on rigid stands such as block, stone, or any other type determined to be a traffic hazard.

(d) The failure of the person responsible for placing the unlawful obstruction within the right-of-way, to remove the obstruction within 30 days after written notice by the Department of Transportation shall constitute a misdemeanor. Failure to remove or make safe any mailbox and/or newspaper delivery box, its supports or any other obstruction within the above-specified 30 days shall be cause for the Department's Division Engineer to take action to remove the unacceptable mailbox and/or newspaper delivery box, its supports or other obstruction installation and also bill the responsible party for the expense of removal if appropriate.

(e) The publication entitled "A Guide for Erecting Mailboxes on Highways" published by The American Association of State Highway and Transportation Officials, dated May 24, 1984, shall be applied in carrying out this ordinance."

This resolution is effective April 5, 1991.

Statutory Authority: G.S. 136-93; G.S. 136-18(5), (10);  
G.S. 143B-350(13)