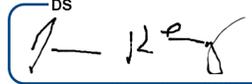




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

DATE: January 27, 2020
TO: Division Traffic Engineers and Regional Traffic Engineers
FROM: J. Kevin Lacy, PE, State Traffic Engineer 
SUBJECT: Illegal to Pass/Overtake a Vehicle in a Center Two-Way Left Turn Lane

The purpose of this memorandum is to provide a concise document with several references concerning information located in the MUTCD (Manual on Uniform Traffic Control Devices) and General Statutes on passing vehicles specifically within a two-way left turn lane.

The following information provides specifications and General Statute language indicating that it is illegal to pass/overtake a vehicle in a center two-way left turn lane.

1. Section 3B.01 (Standard "B") states "One-direction **no-passing zone markings consisting of a double yellow line, one of which is a normal broken yellow line and the other is a normal solid yellow line, where crossing the center line markings for passing with care** is permitted for the traffic traveling adjacent to the broken line, but **is prohibited for traffic traveling adjacent to the solid line**" (see Figure 3B-1, Typical B).
2. Section 3B.03 (Standard, line 03) states "If a two-way left-turn lane that is never operated as a reversible lane is used, the lane line pavement markings on each side of the two-way left-turn lane shall consist of a normal broken yellow line and a normal solid yellow line to delineate the edges of a lane that can be used by traffic in either direction as part of a left-turn maneuver. These **markings shall be placed with the broken line toward the two-way left-turn lane and the solid line toward the adjacent traffic lane** as shown in Figure 3B-7." Therefore, based on the definition used in Section 3B.01 (Standard "B") passing is prohibited for the through traffic adjacent to the solid yellow line.
3. General Statute 136-30 (part a) states "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", and the same statute (part d) further states "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. The Merriam-Webster dictionary has several variations on the

definition of “conform”, but the one that best applies is definition 2, b, which states “to act in accordance with prevailing standards or customs”. This means that, by statute, we must adhere to the MUTCD in all aspects including size, placement, **and definition**.

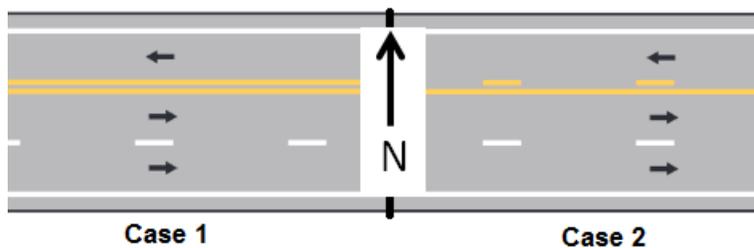
4. General Statute 20-150 (part e) states “The driver of a vehicle **shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings** placed by the Department of Transportation stating or **clearly indicating that passing should not be attempted**”, and the solid yellow lines towards the adjacent travel lanes prohibits passing by definition of items 1, 2, 3 (above). This is the statute that actually makes it illegal to use a two-way left turn lane for passing.
5. Since there is a fair amount of confusion about this issue as it reads in G.S.20-146(d)(2); I have broken the statute up into four phrases to simplify the explanation.

Phrase 1

Phrase 1; *Upon a street which is divided into three or more lanes and provides for the two-way movement of traffic* is the leading portion of the statute and applies to remaining phrases it state. This phrase is defining that the roadway that has three or more lanes and served two-way traffic. This is generally speaking about an unbalanced lanes 2+1 or 3+1. Since it does not explicitly omit the center turn lane when the center lane is marked as such, then it too must be considered in the law.

Phrase 2

Phrase 2; *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* is the situation where the through lanes are not balanced, for example: 2 lanes in one direction and 1 in the other direction. There are two cases of these unbalanced lanes; one which allows passing in one direction and the other allows passing both directions.



In Case 1, an eastbound vehicle should only use the center lane to overtake and pass another eastbound vehicle. Basically, this is keep right except to pass. In case 1, a westbound vehicle cannot legally pass another westbound vehicle.

In Case 2, an eastbound vehicle should only use the center lane to overtake and pass another eastbound vehicle; again, keep right except to pass. In case 2, a westbound vehicle may legally pass another westbound vehicle if the center lane is clear of traffic within a safe distance.

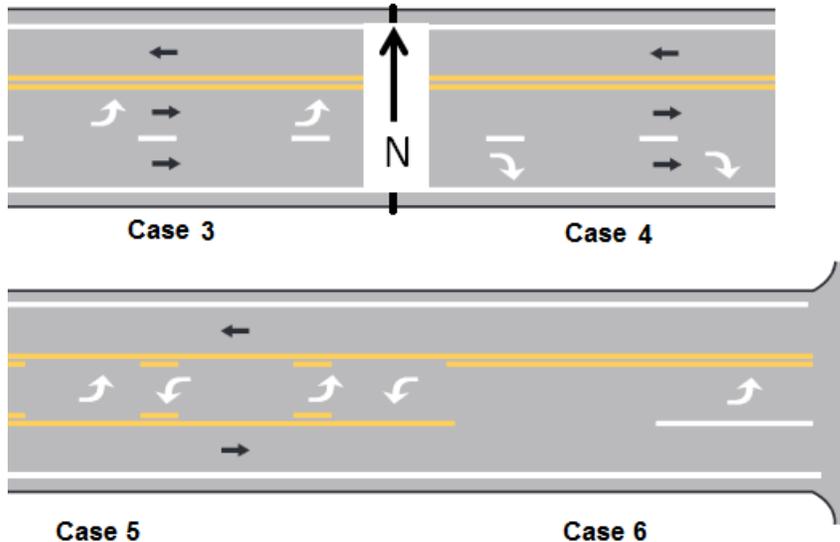
Technically, there is not anything preventing a third lane in the eastbound direction which would explain the “more” in the statute.

Phrase 3

Phrase 3; *or in the preparation for making a left turn* makes it legal to enter the center lane (for Case 1 only) to prepare for and make a left turn. It would not be legal for a westbound vehicle to make the same maneuver although some drivers will do so even in a two-lane scenario.

Phrase 4

Phrase 4, *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*, has several different situations as shown below.



In Case 3 the center lane is used as an exclusive left turn lane for the eastbound direction of traffic. Vehicles should only enter the center lane to prepare for and turn left and should not use this as a passing lane.

In Case 4, the center lane is exclusively for through traffic and the right most lane is designated as a turning lane.

In Case 5, this is the traditional center turn lane. In this case, the center lane is *allocated exclusively* for left turning traffic in either direction (*traffic in same direction* of both directions) *as designated by the traffic control devices* – pavement markings and symbols.

Case 6 is basically the same as Case 3; however, it is shown here because in many cases we use the center turn lane as an extension of storage for the dedicated left turn lane.

Conclusion on 20-146(d)(2)

The detailed explanation fits the wording of the statute. When the statute applied with the MUTCD, becomes clear that it is not permissible to pass in the center turn lane **and** re-enter the through lane to continue in the same direction. The traffic control devices (markings and symbols) designate that center lane is exclusive for left turning traffic. However, 20-146(d)(2) does allow other scenarios to be designated that do allow a vehicle to pass in the center lane and examples are shown in Cases 1 & 2.

This interpretation is also consistent with other parts of 20-146. As such 20-146(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.

In this part of the statute, it states that when there are four or more lanes providing for two-way traffic, a vehicle shall not be driven left of the centerline except when authorized by official-traffic control devices. The centerline is the marking that separate the direction of traffic; i.e., the yellow line(s). An interpretation that one is allowed to pass in the center turn lane of a three-lane roadway would conflict with what is allowed in a five-lane roadway. It would not be consistent, and it would violate 20-146(d).

Therefore, **overtaking, passing another vehicle in a continuous center turn lanes, and re-entering the through lane is NOT legal in North Carolina.** This is the only interpretation that is consistent with G.S. 20-146(c), 20-146(d), 20-150, and the MUTCD that is adopted by G.S. 136-30.

References:

MUTCD, Part 3:

<https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part3.pdf>

G.S. 136-30:

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_136/GS_136-30.html

Dictionary:

<https://www.merriam-webster.com/dictionary/conform>

G.S. 20-150:

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-150.html

G.S. 20-146:

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_20/GS_20-146.html

Please let me know if you have any questions concerning this issue.

JKL:rj:rr