

Traffic Services Legal Guide – Update Instructions

I. Overview

The purpose of the Traffic Services Legal Guide (hereinafter, “Guide”) is to provide users with a consolidation of the most frequently referenced laws, rules, and policies related to traffic services and traffic engineering, and to allow individuals a quick and easy way to filter through legal information to find what they are looking for. The intent is for the Guide to have copies of the most recent wording of NCGS and NCAC embedded in the document to remove the necessity of requiring network connectivity to link to these items. However, the Guide does contain some hyperlinks to locations outside of the document due to their verbosity (i.e., CFR and USC) and/or multiple subdocuments (i.e., TEPPL).

II. Location

The Guide shall be housed in [TEPPL under Topic L-18 \(“Legal Guide”\)](#).

III. Acronyms

CFR	-	Code of Federal Regulations
DOH	-	Division of Highways
HB	-	House Bill
NCAC	-	North Carolina Administrative Code
NCDOT	-	North Carolina Department of Transportation
NCGA	-	North Carolina General Assembly
NCGS	-	North Carolina General Statute(s)
OAH	-	Office of Administrative Hearings
RRC	-	Rules Review Commission (OAH)
SB	-	Senate Bill
SL	-	Session Law
TEPPL	-	Traffic Engineering Policies, Practices, and Legal Authority
TMSD	-	Transportation Mobility and Safety Division
USC	-	United States Code

IV. Updates

A “regular session” of the NCGA is the two-year period of time following elections, which begin in odd-numbered years (“long session”) and end in even-numbered years (“short session”), where enacted legislation are called “[session laws](#)” (SLs). Ideally, the Guide should be updated annually following closure of the “long” and “short” portions of each regular session of the NCGA. Note that it can take NCGA staff several months to actually update the NCGS with SL changes.

Interim updates should also be done if the OAH/RRC approves any changes to the NCAC (which can occur anytime throughout the year). The best way to be informed of proposed and approved changes to the NCAC is to join OAH’s [RRC “Interested Persons” listserv](#). Additional information is published in the [North Carolina Register](#).

V. Topics, Subtopics, and Keywords

The main topics and subtopics in the Guide have been standardized for ease of sorting and searching by keywords. Avoid using adjectives as topics/subtopics. Occasionally, new topics/subtopics may be introduced. Note that most topics/subtopics are plural for consistency, but some are singular to denote a unique item (i.e., “LOGO Program”). The following are some keyword topics that may be considered for the next update to the Guide:

- Encroachments ([§136-18](#), [§136-93.1](#), and [§136-102.6](#))
- Spot Safety ([§136-44.2](#) and [§136-11.1](#))
- State Highway Patrol ([§20-183.9](#) and [§20-183.10](#))
- Weigh Stations ([§20-183.10](#))

VI. Use of Topics and Subtopics

Topics and subtopics are used to categorize the legal information within the guide. As an example, NCGS §20-174 currently states the following...

§ 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.)*

Therefore, this NCGS has the following keywords from the Guide's current Topic list...

- Crossings
- Crosswalks
- Highways
- Intersections
- Pedestrians
- Right-of-Way
- Roadways
- Shoulders
- Signals
- Vehicles

However, it would be unwieldy to use all of these as topics/subtopics ("Topic (subtopic)" column in the Guide), so some discretion must be used in selecting the proper combinations to assist users. Again, using NCGS §20-174 as an example where pedestrians are the central focus of this statute, appropriate topics/subtopics combinations may include the following...

- Pedestrians (roadways)
- Roadways (pedestrians)
- Pedestrians (crosswalks)
- Crosswalks (pedestrians)
- Pedestrians (intersections)
- Intersections (pedestrians)
- Pedestrians (right-of-way)
- Right-of-Way (pedestrians)

Examples of topics/subtopics combinations that would probably not be appropriate to assist users of the Guide to find this pedestrian-related information would include the following...

- Roadways (intersections)
- Intersections (roadways)
- Roadways (right-of-way)
- Right-of Way (roadways)
- Vehicles (signals)
- Signals (vehicles)
- Roadways (shoulders)
- Shoulders (roadways)

VII. North Carolina General Statutes

When reviewing and updating NCGSs in the Guide, it is important to look at when the last update occurred. This can be done by reviewing the citations at the bottom of the statutes. As an example, the current structure for NCGS §136-18.4 is as follows...

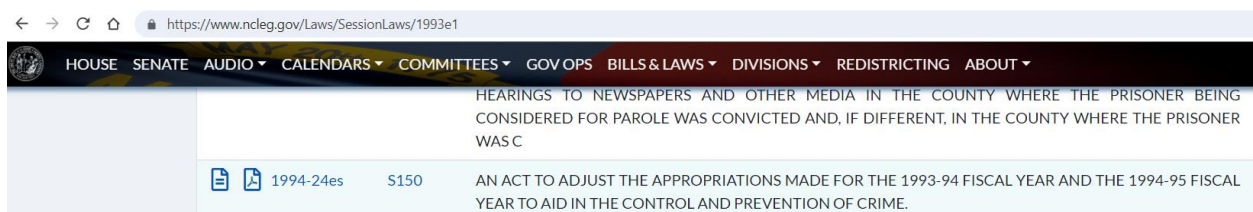
§ 136-18.4. Provision and marking of "pull-off" areas.

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).)

The first citation is “1975, c. 704” and indicates when the statute was created or recodified from a previous set of statutes (also known as “Consolidated” or “Revisal”). In this case, this statute was created by SL 1975-704 (Chapter 704 of 1975 session laws). To find the text of the original law, go to the [NCGA Session Laws](#) page, look up the “1975-1976” legislative session, scroll down to the “1975-704” SL and open it.



The last citation is “1994, Ex. Sess., c. 24, s. 14(c)” indicating the last time §136-18.4 was changed was by SL 1994-24es (Section 14(c) of Chapter 24 of the 1994 Extra Session laws). To find the changes to the law, go to the [NCGA Session Laws](#) page, look up the “1993-1994 Extra Session 1” legislative session (remember that legislative sessions always cover two years starting with an odd numbered year), scroll down to the “1975-704” SL and open it.



To find the change, search for Section 14 (“Sec. 14”) and go to subsection (c). Note that changes sometimes refer to other changes, especially if they occurred within the same legislative session (in this case it is changing previously approved SL 1993-539, which is the second-to-last citation indicated on the statute).

Additional [non-year/non-session citation abbreviations](#) that may be useful:

- C.C.P. - Code of Civil Procedure (1868)
- C.S. - Consolidated Statutes (1919, 1924)
- Code - Code (1883)
- G.S. - North Carolina General Statutes (1943)
- P.R. - Potter's Revisal (1821, 1827)
- R.C. - Revised Code (1854)
- R.S. - Revised Statutes (1837)
- Rev. - Revisal of 1905

Note – Refer to [NCGS §136-95](#) to see examples of these citations.

Additional material that may also be helpful...

- [North Carolina Digital Collections of General Assembly Session Records \(North Carolina Department of Cultural and Natural Resources\)](#)
- [North Carolina Legislative Library](#)
- [Session Laws of North Carolina starting with April 1777 \(State Library of North Carolina\)](#)
- [Superseded General Statutes and pre-1943 Codes \(North Carolina Legislative Library\)](#)

VIII. North Carolina Administrative Code

The NCAC are “rules” developed under the authority of general statutes. Chapter 2 (“Division of Highways”) of Title 19A (“Transportation”) of the NCAC is where most codes are listed that pertain to traffic services and traffic engineering. When reviewing and updating NCACs in the Guide, it is important to look at when the last update occurred. This can be done by reviewing the citations at the bottom of individual codes. As an example, the current structure for 19A:02C.0111 is as follows...

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.*

Under the “History Note” section, this NCAC indicates the following four citations:

- Authority – This is a reference to the specific NCGS that is (are) the supporting authorization for this code.
- Eff. (effective) – This is the original date of the code (when it became effective).
- Amended Eff. (amended effective) – This lists the date(s) of any amendments and changes (the most recent date listed here is when this code was last changed).
- Pursuant – This references a ruling/decision (this date is NOT an amendment/change date and should be ignored when reviewing the code for revisions).

Based on the above, the last revision to this code occurred on December 29, 1993. If there were no amendment dates, then the last change would have been the effective date.

IX. Structure, Grammer, Syntax, and Formatting

The following items should be kept in mind when revising the Guide...

- The header should clearly state the relevant dates of how current the document is, and each row in the Topic table should have a “Last Action” SL number or date to make it easier for future reviewers to identify what has changed and when.
- The “Topic (subtopic)” column should only use keywords from the “Topics” list whenever possible.
- The “Overview” column in the Topic table should only be composed of keywords directly from the title and/or body of the legal reference – interpretations are not allowed.
- The Topic table should be sorted alphabetically by the “Topic (subtopic)” column.
- The body should be in order of CFR, USC, NCGS (chapter and statute number), SLs (SL number as needed), and NCAC (title, subchapter, and number).
- Page breaks should be used judiciously for clarification only (the Guide is too large to have each statute or code on its own unique page).

Always keep in mind that the Guide is not legal advice but is intended to assist users in finding the legal references they are searching for quickly and efficiently.