



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

LYNDO TIPPETT
SECRETARY

February 7, 2008

The Honorable Roy Cooper
Attorney General
North Carolina Department of Justice
P. O. Box 629
Raleigh, North Carolina 27602

Dear Mr. Cooper:

Pursuant to G.S. 20-116, 53 foot semitrailers may not be operated on North Carolina streets and highways, "except as provided by G.S. 20-115.1."

General Statute 20-115.1 (b) provides, in pertinent part, that motor vehicle combinations consisting of a truck tractor and 53 foot semitrailer may operate on the interstate highways and the federal-aid primary system highways designated by the U.S. Secretary of Transportation. Subsection (f) provides further, that motor vehicle combinations operating pursuant to G.S. 20-115.1 shall have reasonable access between highways on the interstate system and other qualifying federal-aid-highways, as designated by the United States Secretary of Transportation, and terminals, facilities for food, fuel, repairs, etc.

Although the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) abolished the classification of federal-aid primary system, 23 CFR 658.5 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. Additionally, 23 CFR 658.5 defines the term "National Network" as: "The composite of the individual network of highways from each State on which vehicles authorized by the provisions of the STAA are allowed to operate. The network in each State includes the Interstate System, exclusive of those portions excepted under Sec. 658.11(f) or deleted under Sec. 658.11(d), and those portions of the Federal-aid Primary System in existence on June 1, 1991, set out by the FHWA in appendix A to this part." Appendix A sets out a detailed list of individual routes that comprised the Federal-aid Primary System as it existed on June 1, 1991.

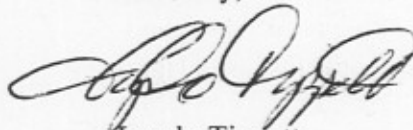
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The North Carolina Department of Transportation prints and distributes maps, entitled "North Carolina National Truck Network for STAA Vehicles." These maps designate, by use of red lines, those routes upon which 53 foot semitrailers are authorized. The authorized "red line" routes on the maps correspond directly with those routes as are set out in Appendix A to 23 CFR 658.23.

Pursuant to G.S. 20-115.1(h) and (i), owners and drivers of vehicles with a semitrailer 50 feet or more who violated subsection (b) are subject to a \$200.00 fine. The Highway Patrol has been issuing citations for these violations and vehicle owners and drivers have asserted that the red line maps published and distributed by the Department of Transportation and enforced by the Highway Patrol misconstrue the language of G.S. 20-115.1(b). In effect, they argue that although so-called twin trailers may only be authorized on the "red line" routes, 53 foot trailers may lawfully be operated on any of the routes annotated on the map.

In light of the ongoing disagreement related to interpretation of state law and the potential for economic impact, the Departments of Transportation and Crime Control and Public Safety are requesting an opinion of the Attorney General as to the correct interpretation of G.S. 20-115.1(b) generally and, specifically, whether 53 foot semitrailers should be restricted to those routes as are set out in Appendix A to 23 CFR 658.23 unless otherwise exempt pursuant to G.S. 20-115.1(g).

Sincerely,



Lyndo Tippett

Sincerely,



Bryan Beatty

LT/BB/jr

cc: W. Fletcher Clay, Colonel State Highway Patrol