

#### **19A NCAC 02E .1007     REMOVAL PROCESS**

(a) A route or section of a route may be removed if its character has changed such that it meets the criteria for removal as specified in G.S. 136-18(31) and taking into consideration that it no longer meets the criteria as set out in 19A NCAC 02E .1004.

(b) The process of removal shall be as follows:

- (1) A non-profit organization, which includes but shall not be limited to a county commission or the governing body of any municipality, may submit an application for removal to the Roadside Environmental Unit of the Department of Transportation with proper Scenic Byway/Highway identification label on the envelope;
- (2) The Roadside Environmental Unit shall review application, prepare a report incorporating a study of the scenic value of the submitted route or section of route and submit proposals deemed to have merit as specified in 19A NCAC 02E .1004 to the Board of Transportation;
- (3) At the request of any interested party, the Citizens Participation Unit of the N.C.D.O.T. shall hold a public hearing to consider any proposal recommended for removal;
- (4) If a hearing is requested the proponent of the Byway removal shall place a legal notice in at least one newspaper in the municipality nearest the route or section of a route proposed for removal and in three successive issues. The notice shall contain the date, time, and location of the hearing and a summary of the removal proposal. Proponents of the removal shall be responsible for the cost of the legal notice. In addition to the hearing, written comments shall be accepted by the Roadside Environmental Unit for 30 days from the publication of the hearing notice. If no hearing is requested, written comments may be submitted and shall be accepted for 90 days from the date of application. A request for public hearing shall be made within 60 days from the receipt of the application. The hearing shall be held no sooner than 14 days following the last day of the legal notice and no later than 30 days following the last day of the legal notice;
- (5) The Board of Transportation shall approve or deny application; and
- (6) The Department shall notify the applicant of approval or denial.

(c) The Board may remove any route or section of a route from the Scenic Byway System at anytime so long as the Board meets the criteria for removal outlined in these Rules and in G.S. 136-18.

*History Note:     Authority G.S. 136-18(5); 136-122 through 136-125; 136-129.2; 143B-348;  
Eff. March 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*