

## SUBCHAPTER 1C - ADMINISTRATIVE HEARING PROCEDURE

### SECTION .0100 - GENERAL PROVISIONS

#### 19A NCAC 01C .0101 PROCEDURAL REQUIREMENTS

*History Note:* Authority G.S. 20-1; 136-18(5); 143B-346; 143B-350(f), (g); 150A-1; 150A-23;  
Resolutions of the Board of Transportation of November 7, 1975, July 24, 1973;  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1993.

#### 19A NCAC 01C .0102 GENERAL PROCEDURE

This Subchapter is to be read and applied in conjunction with the applicable statutes of the Administrative Procedure Act, but will not apply to the extent that any statute makes provisions to the contrary.

Note: The department is subject to the following procedures set forth in the statutes: G.S. 136-20 (railroad over- and under-passes); 136-22 (drainage canal cost distribution); 136-29 (adjustment of contractor claims); 136-41.3 (Powell Bill funds); 136-44.8 (secondary roads); 136-62 (right of petition to the Board of Transportation); 136-64 (road maintenance petitions); 136-67 (neighborhood public roads); 136-83 (ferry rates); 136-89.54 (controlled access roads); 136-103 through 136-121.1 (condemnation proceedings); 136-132 and 136-134.1 (outdoor advertising); 113-54 (sedimentation control); and the various procedures relating to motor vehicles in Chapter 20 of the General Statutes.

*History Note:* Authority G.S. 143B-350; 150B-1(e);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 24, 2015.

### SECTION .0200 - INITIATING ADMINISTRATIVE HEARING

#### 19A NCAC 01C .0201 INFORMAL NEGOTIATIONS

*History Note:* Authority G.S. 136-29; 143B-10(j); 143B-350; 150B-1(e)(8); 150B-22;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Repealed Eff. March 1, 2013.

#### 19A NCAC 01C .0202 REQUEST FOR ADMINISTRATIVE HEARING

#### 19A NCAC 01C .0203 HEARING OFFICER

#### 19A NCAC 01C .0204 CONTESTED CASES AND DECLARATORY RULINGS

#### 19A NCAC 01C .0205 CONSIDERATION OF AND DECISION ON REQUEST

#### 19A NCAC 01C .0206 SUBPOENA

#### 19A NCAC 01C .0207 CONTINUANCES

#### 19A NCAC 01C .0208 PROPOSAL FOR DECISION

*History Note:* Authority G.S. 143B-10(a), (j); 143B-350(f); 150A-17; 150A-23; 150A-25; 150A-27; 150A-32; 150A-34;  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1993.

#### 19A NCAC 01C .0209 OFFICIAL RECORD

A copy of the official record as required by Article 3 of the Administrative Procedure Act shall be on file with:

Secretary, Department of Transportation  
Highway Building  
1 South Wilmington Street  
P.O. Box 25201  
Raleigh, North Carolina 27611

*History Note: Authority G.S. 143B-10(j); 143B-350; 150B-37;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 24, 2015.*