

## CHAPTER 2 - DIVISION OF HIGHWAYS

### SUBCHAPTER 2A - GENERAL ADMINISTRATION

#### SECTION .0100 – CHIEF ENGINEER

##### 19A NCAC 02A .0101 GENERAL RESPONSIBILITIES

*History Note: Authority G.S. 136-4; 143B-10;  
Eff. July 1, 1978;  
Repealed Eff. December 1, 1993.*

##### 19A NCAC 02A .0102 DUTIES OF CHIEF ENGINEER

The duties and responsibilities of the Chief Engineer conferred by law and delegated or prescribed by the Secretary or Board of Transportation include:

- (1) recommend ordinances based upon engineering studies of the Traffic Engineering Branch;
- (2) enter into agreements and contracts for the board;
- (3) carry out Board programs and functions;
- (4) powers and duties concerning highway right of way acquisitions which may be subdelegated to the right of way branch;
- (5) negotiate and execute contracts with right of way fee appraisers;
- (6) negotiate and enter into agreements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act;
- (7) make spot safety improvement funds for primary, secondary, and urban safety projects available as needed and that said authority may be delegated to the Manager of Traffic Engineering by the Chief Engineer;
- (8) execute lease or rental agreements on behalf of the State;
- (9) inspect the State roadway system annually to determine the need, priorities, and scheduling for major maintenance, retreatment or resurfacing (subject to the Board's approval) in each engineering division;
- (10) determine the need for temporary traffic control devices for special events;
- (11) review and approve median opening requests;
- (12) review and approve civic, non-profit, or charitable organization safety rest stop activities;
- (13) handle and execute bicycle trails joint use rights of way;
- (14) consider and issue or deny permits for intermittent closing of secondary roads within watershed improvement projects;
- (15) issue special overweight and over-dimension permits;
- (16) authorize crop cultivation within rights of way;
- (17) authorize garbage collection container sites on rights of way;
- (18) authorize construction within the right of way;
- (19) permit construction of railroad tracks across any portion of the roadway system;
- (20) review, investigate and allow or deny contractor settlement claims for construction;
- (21) determine existence of emergency situation justifying the waiver of the bidding requirements as described in the general statutes;
- (22) implement, subject to discretionary review by the Secretary of Transportation, those rules and ordinances pertaining to highway matters which are delegated to him by the Secretary of Transportation;
- (23) submit a priority list and consult with Board of Transportation members in each major maintenance, retreatment or resurfacing project as requested by the Board members;
- (24) hold bid withdrawal hearings;
- (25) submit applications to the Federal Emergency Management Agency and to execute the assurances and agreements and other documents on behalf of the Department of Transportation necessary for Federal Disaster Assistance, including the Designation of Applicants Agents, Assurances and Agreements, Damage Survey Reports and Requests for Payments. The Chief Engineer is further authorized to subdelegate the authority and duty for Federal Disaster Assistance on behalf of the Department of Transportation to the Chief Engineer's designee.

*History Note:* Authority G.S. 20-119; 133-5 thru 17; 136-18(5); 136-18(11); 136-18.3; 136-19; 136-28.1; 136-29; 136-30; 136-44.1; 136-64.1(d); 136-71.9; 136-89.51; 136-93; 143B-10(j); 143B-350(f); 143B-350(g);  
Eff. July 1, 1978;  
Amended Eff. December 1, 2012; December 1, 1993; November 1, 1991; October 1, 1991; January 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

## **SECTION .0200 - LEASE OR RENTAL OF PROPERTY**

### **19A NCAC 02A .0201 STATE HIGHWAY ADMINISTRATOR'S AUTHORITY**

*History Note:* Authority G.S. 146-32(2); 143B-350(f); 143B-350(g);  
Authority Council of State Resolution of August 9, 1972;  
Eff. July 1, 1978;  
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3.

### **19A NCAC 02A .0202 FISCAL SECTION'S RESPONSIBILITY**

*History Note:* Authority G.S. 146-25.1; 146-27; 146-32(2); 143B-350(f); 143B-350(g);  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1991.