

**19A NCAC 02B .0114 NEGOTIATION WITH DEPARTMENT OF TRANSPORTATION EMPLOYEES**

When acquiring right of way from Department of Transportation employees performing highway functions:

- (1) The appraisal of any property having damages in excess of two thousand five hundred dollars (\$2,500), owned by an employee of the Department of Transportation, shall be made by an independent fee appraiser, rather than a staff appraiser;
- (2) The Right of Way Review Board shall pass on the approval of the appraisal of any employee of the Right of Way Branch, or any other employee of the Department of Transportation performing highway functions at salary grade 73 or above;
- (3) Right of way acquisitions may be negotiated at the approved appraisal with employees below salary grade 73;
- (4) Right of way acquired from any employee of the Department of Transportation performing highway functions at salary grade 73 or above shall not be acquired by negotiation but by the filing of a complaint and declaration of taking.

*History Note: Authority G.S. 136-18(2); 136-19; 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*