

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 368  
Second Edition Engrossed 4/21/99

Short Title: Public Access to Rivers and Streams.

(Public)

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Sponsors: Senators Gulley, Miller, Kinnaird; Horton and Hoyle.

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Referred to: Transportation.

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March 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
3 CONSTRUCT ACCESS TO RIVERS AND STREAMS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 136-18(9) reads as rewritten:

6 "(9) To employ appropriate means for properly selecting, planting and  
7 protecting trees, shrubs, vines, grasses or legumes in the highway right-  
8 of-way in the promotion of erosion control, landscaping and general  
9 protection of said highways; to acquire by gift or otherwise land for and  
10 to construct, operate and maintain roadside parks, picnic areas, picnic  
11 tables, scenic ~~overlooks~~ overlooks, public access to rivers and streams,  
12 and other appropriate turnouts for the safety and convenience of  
13 highway users; and to cooperate with municipal or county authorities,  
14 federal agencies, civic bodies and individuals in the furtherance of those  
15 objectives. None of the roadside parks, picnic areas, picnic tables,  
16 scenic overlooks or other turnouts, or any part of the highway right-of-  
17 way shall be used for commercial purposes except (i) for materials  
18 displayed in welcome centers in accordance with G.S. 136-89.56, and  
19 (ii) for vending machines permitted by the Department of

1                   Transportation and placed by the Division of Services for the Blind,  
2                   Department of Health and Human Services, as the State licensing  
3                   agency designated pursuant to Section 2(a)(5) of the Randolph-  
4                   Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation  
5                   shall regulate the placing of the vending machines in highway rest areas  
6                   and shall regulate the articles to be dispensed. Every other use or  
7                   attempted use of any of these areas for commercial purposes shall  
8                   constitute a Class 1 misdemeanor and each day's use shall constitute a  
9                   separate offense."

10                   Section 2. This act is effective when it becomes law.